

04. 23.08.2021

Ct.32

Tanmoy

Rejected

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

**C.R.M. 529 of 2021
With
C.R.A.N. 1 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dinhata Police Station Case No. 78 of 2019** dated **12/02/2019** under Section **21(C)** of the N.D.P.S. Act. (N.D.P.S. Case No. **20 of 2019**).

And

In the matter of: - **Anchhar Ali**

...petitioner.

Mr. Sabir Ali

...for the petitioner.

Mr. Biswarup Roy

...for the State (through V.C.).

The petitioner says that nothing was recovered from him. Contraband of commercial quantity was recovered from a motor bike. The Motor bike is not registered in his name. He has been in custody for 165 days.

Learned Counsel for the State says that the B.S.F. personnel intercepted the motor bike. 45 bottles of phensedyl was recovered from the motor bike. The petitioner's Aadhaar card was also recovered from the motor bike.

We are told that charge-sheet has been submitted. However, commercial quantity of contraband is involved. *Prima facie*, there are incriminating evidence against the petitioner

whose Aadhaar card was recovered from the motor bike. It is highly unlikely that somebody else has put the petitioner's Aadhaar card on the motor bike.

Considering the nature of the charge and the *prima facie* involvement of the petitioner in the alleged offence, we are not inclined to allow the petitioner's bail at this stage.

Accordingly, the application for bail being C.R.M. 529 of 2021 is **dismissed**. C.R.A.N. 1 of 2021 is disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)