

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

29.09.2021

Court No.01
rpan / **27**

C.R.M. 562 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : **Narendra Gurung**

...Petitioner.

Mr. Bhaskar Roy Mahasaya,
Mr. Deborshi Dhar

....for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly

....for the State.

The present application for bail under section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No.433 of 2020 dated 31.05.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been filed by the petitioner.

Mr. Roy Mahasaya, learned advocate appearing for the petitioner, submits that contraband substance was recovered from a car, which was being driven by the petitioner. There were two passengers in the vehicle and they boarded the car with such contraband substance. Though the petitioner has no direct involvement in the alleged offence, he had already suffered incarceration for about 489 days and there is also no possibility towards conclusion of the trial in the near future. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Ganguly, learned advocate appearing for the State, opposes the petitioner's prayer and submits that the petitioner is

the owner of the car and he was driving the same. Contraband substance, above commercial quantity, was recovered from the possession of the petitioner. The application for bail of a co-accused person, namely, Pappu Ghosh had already been rejected by an order dated 20th September, 2021, passed in CRM 463 of 2021.

Having heard the learned advocates and considering the materials in the case diary, we are of the opinion that the rigours of Section 37 of the NDPS Act are attracted since there had been recovery of contraband substance, above commercial quantity. A co-accused person, who was travelling in the said car, was also refused bail. In view thereof, the petitioner's prayer for bail is refused at this stage.

The application for bail, being CRM 562 of 2021 is, thus, rejected.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)