

17.02.2022

Serial no.21

Dd

CRM(NDPS) 64 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **N-52/2021** arising out of **Belghoria** Police Station Case No. **497** of **2021** dated **25.07.2021** under **Sections 20(b)(i)(c)/29** NDPS Act, 1985.

-And-

In the matter of : Ranjan Saha

... ..Petitioner

Mr. Pawan Kr. Gupta,
Mr. Kailash Tamoli, Advocates
... .. For the Petitioner

Mr. Sanjoy Bardhan,
Mr. Ranadeb Sengupta, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in detention in excess of seven months. The police filed charge sheet, therefore, further detention of the petitioner is not required. He submits that the petitioner applied before the jurisdictional Court for a direction upon the police to produce the close circuit video footage of the incident. He submits that the police are not doing so despite orders of the jurisdictional Court. It is the stand of the police that such CCTV footage stands deleted. He refers to the statement of the independent witness where the independent witness alludes to the seizures being made from the ambulance. He contends that so far as three vehicles are concerned in the present police case the seizure was made from an ambulance. He refers to the order dated August 6, 2021 passed by the jurisdictional Court. He

submits that the police did not file charge sheet against two of the owners out of the three vehicles from which the seizure was made.

Learned advocate appearing for the State submits that five persons were arrested with commercial quantity of narcotics from three vehicles. The petitioner was one of them. Persons were arrested on the spot.

Considering the fact that narcotic of commercial quantity was seized from the vehicles in which the petitioner was travelling in one of them and considering the fact that the petitioner was arrested along with other co-accused who were arrested with the commercial quantity of narcotics. We are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM(NDPS) 64 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)