

C.R.M. (NDPS) 88 of 2022

05.04.2022
Sl. 93
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Raghunathganj** Police Station Case No. **24** of **2021** dated **14.01.2021** under Sections **21C/25/28/29** of the NDPS Act.

And

In the matter of: **Nantu Sk**

....petitioner.

Mr. Sourav Chatterjee,
Mr. Abhimanyu Bannerjee,
Mr. Arnab Saha,

...for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee,

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is similarly situated and circumstanced as that of the other co-accuseds who were enlarged on bail. No recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State submits that the petitioner is a tenant under a landlord. From his tenancy, weighing machine, note counting machine, sewing machine including cash in excess of Rs. 17 lakhs were recovered. The landlord of the premises recorded a statement under Section 164 of the Criminal Procedure Code implicating the petitioner therein.

It is denied on behalf of the petitioner that the tenancy is not facade.

The issue as to whether the tenancy as that of the petitioner or not need not be decided finally at this stage.

Considering the materials in the case diary, we are unable to

arrive at a conclusion that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. (NDPS) 88 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

