

CRM 6908 of 2021
(via video conference)

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

And

In Re : Sayan Ghosh

.....Petitioner

Mr. Malay Bhattacharya

.....for the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gaighata P.S. Case No. 487 of 2021 dated 06.06.2021 under Sections 188/379/411 of the Indian Penal Code and Section 21(C) of the NDPS Act.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated.

Drawing our attention to the seizure list dated 6th June, 2021, as annexed to the present application, he submits that the seizure was not from the petitioner. He further submits that the petitioner has suffered incarceration since 6th June, 2021 and there is also no possibility towards early conclusion of the trial. Upon completion of investigation, charge sheet has also been submitted and as such, further detention is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Prima facie, the contention of Mr. Bhattacharya is not acceptable to us since initially contraband substance above commercial quantity was recovered from the possession of the petitioner on 5th June, 2021 and subsequently, it was re-seized from the BSF Personnel on 6th June, 2021.

As such, we are not inclined to exercise discretion in favour of the petitioner in view of the statutory restrictions under the NDPS Act and his prayer for bail is refused at this stage.

The application CRM 6908 of 2021 is, accordingly, dismissed.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)