

07.01.2022
Item no.51.
Court No.1.
AB
(Rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (NDPS) 5 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No.437 of 2021 Dated 17.10.2021 under Sections 20(B) (ii)(b) of the NDPS Act

And

In the matter of: Dilip Barman

.....Petitioner.

Mr. Hillol Saha Poddarfor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee.....for the State.

The petitioner says that there was no recovery of contraband items from him. He has been implicated only on the basis of statement of the co-accused person, who was the driver of the vehicle from which about 48 kilograms of ganja was seized.

We have seen the material in the case diary including statements of witnesses. At least four independent witnesses, who are not co-accused persons, have named the petitioner as the owner of the contraband goods, which were seized. Charge sheet is yet to be submitted. Investigation is in progress.

On an overall assessment of the facts and circumstances of the case and the prima facie incriminating

material against the petitioner, we are not inclined to allow the petitioner's prayer for bail at this stage.

C.R.M. (NDPS) 5 of 2022 is, accordingly, dismissed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)