

CRM (NDPS) 1373 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kharagpur GRPS** Case No. **59 of 2024** dated **21.04.2024** under Sections **20(b)(ii)(C)** of the NDPS Act.

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In the matter of : Mamoni Khatun Bibi @ Mamani

.... Petitioner.

Mr. Amit Ranjan Pati,
Mrs. S. Chowdhury,

... For the Petitioner.

Mr. Subhasree Patel,
Mrs. Eshita Dutta,

... For the State.

Order dictated by Prasenjit Biswas, J.:

1. It is submitted on behalf of the petitioner that total 23.630 Kgs of 'ganja' were recovered from the joint possession of the accused persons including this petitioner. It is further said that only 4.005 Kgs of ganja was recovered from one black colour handbag which was carried by the petitioner. After completion of investigation charge sheet of the case has been filed by the Prosecuting Agency arraigning this petitioner along with other as accused of commission of offences. The petitioner is absolutely innocent and is no way connected with the commission of offences.
2. Learned Advocate for the State vehemently opposes the prayer for bail filed by this accused petitioner. It is further submitted that after completion of investigation charge sheet has been filed by the investigating agency and the charge has already been framed by the learned Trial Court. There are sufficient

incriminating materials in the case diary which show prima facie involvement of the accused petitioner with the alleged offence.

3. We have considered the rival submissions advanced by both the parties. It appears from the documents that commercial quantity of contraband articles were recovered from the joint possession of the accused persons. At this stage it is not safe to conclude that the petitioner has successfully demonstrated that there are reasonable grounds to believe that he is not guilty of the offence alleged against him, for him to be enlarged on bail. The length of the period of his custody or the fact that charge sheet has been filed cannot be treated as persuasive grounds for granting relief to this petitioner under Section 37 of the NDPS Act. It would be gathered prima facie that there are materials in abundance to connect the petitioner in this crime. In our considered view in the face of the mandate of Section 37 of the NDPS Act this bail application filed by the petitioner is found to be meritless and as such it is dismissed at this stage.
4. CRM (NDPS) 1373 of 2024 is dismissed.
5. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)