

14.11.2024
Item no. 33.
Court No.1.
AB
(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 492 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari P.S. Case No. 234 of 2024 Dated 24.7.2024 under Section 21C/22C/29 of the NDPS Act

And

In the matter of : Sunny Thakur

.....Petitioner.

Mr. H. S. Poddar
Ms. Mousumi Das

.....for the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Sourav Ganguly

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband items from him. He has been falsely implicated on the basis of statements made by co-accused persons. He prays for bail.

2. While opposing the prayer, learned State Counsel points out that a co-accused person's prayer for bail was rejected earlier today in CRM (NDPS) 443 of 2024. In fact, when the Court was about to reject the prayer, that petitioner submitted that she was not pressing the application.

3. Prima facie, we find from the case diary that the house, from where commercial quantity of contraband was recovered,

was rented out by the landlord to this petitioner and the co-accused person, namely, Babita Roy. Therefore, the petitioner was in constructive possession of the contraband items. Investigation is in progress. Charge sheet is yet to be filed.

4. Under those circumstances and keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The prayer for bail is rejected.

6. CRM (NDPS) 492 of 2024 is dismissed.

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

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)