

9.9.2020
ks/sk
Item no.8
Rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.6337 of 2020

Paban Kumar @ Paban Kumar Paswan

-vs-

The State of West Bengal

with

CRAN/1/ 2020

In Re: An application for bail under **Section 439 CrPC** in connection with Kotwali P.S. Case No.838 of 2018 dated 09.12.2018 under sections 20(b)/25 of the NDPS Act, 1985.

Mr. Jaydeep Kumar Bhowmik

...for the petitioner.

Mr. Nilay Chakraborty

... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate for the petitioner submits that the petitioner is a juvenile, to that extent the learned Advocate draws the attention of this court by enclosing certain documents.

The learned Advocate appearing for the State opposes the prayer for bail and submits that about 146 kgs of contraband(ganja) was recovered.

We have taken into account the materials on record and considering the stage of the case that trial has already commenced, we are of the opinion that as commercial quantity of contraband is involved and Section 37 of the NDPS Act creates a bar, there is no scope for releasing the petitioner on bail at this stage.

As such, the prayer for bail of the petitioner is rejected.

However, the petitioner is at liberty to invoke the jurisdiction of the Special Court for consideration of the plea of juvenility.

CRM No.6337 of 2020 and **CRAN/1/ 2020** are disposed of.

[Tirthankar Ghosh, J]

[Samapti Chatterjee, J]

