

16.09.2020
Item No.19
Court No.08
Dc/Aj.

Rejected

C.R.M. 6576 of 2020

(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No. 41 of 2020 arising out of Basirhat P.S. Case No. 183 of 2020 dated 10.02.2020 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 wherein charge-sheet being No. 211 of 2020 dated 29.02.2020 has been submitted under Section 21(C) of the N.D.P.S. Act.

And

In the matter of : Mustakin Sk.

... Petitioner.

Mr. Palash Mukherjee.

... For the Petitioner.

Ms. Faria Hossain,
Mr. Pratick Bose.

... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about 227 days. The petitioner is absolutely innocent. In fact, the petitioner's wife has also been falsely implicated on the very next date in a similar case.

Learned counsel appearing on behalf of the State vehemently opposes the prayer for bail. He submits that

commercial quantity of contraband was seized from the possession of the petitioner. He submits that after the chemical examination report is obtained, the same would be presented by way of a supplementary charge-sheet.

Considering the nature of allegations and the restrictions contained under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

CRM 6576 of 2020 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)