

14.07.2021
Court No.30
Item No. 06
Krishnendu
Rejected

CRM 865 of 2020
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Md. Abdul Hai**

Petitioner

Mr. Santanu Chatterjee

For the Petitioner

Mr. Rana Mukherjee

Mrs. Sujata Das

Mrs. Debjani Sahu

For the State

The present application under section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kumarganj Police Station Case No. 256 of 2018 dated 19.12.2018 under sections 21/22/23 of the Narcotic Drugs & Psychotropic Substances Act, read with section 14A(b) of the Foreigners Act, 1946.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is a citizen of Bangladesh. He has been falsely implicated. The allegations levelled against him are unfounded. He is languishing in custody since 18.12.2018 and there is no scope towards early conclusion of trial. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Mukherjee, learned advocate appearing for the State has placed before us a report, as called for earlier. Let a copy of the same be kept on record.

He further submits that contraband substance above commercial quantity was recovered from the possession of the petitioner. The trial is in progress and the next date has been fixed on 21st September, 2021.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such the provisions of section 37 of the N.D.P.S. Act are attracted. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM No. 865 of 2020, is dismissed.

(Suvra Ghosh J)

(Tapabrata Chakraborty, J)