

23.03.2021

Court No.28
Item No.03

(Mentioned)

CRM 969 of 2021

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 21.01.2021 in connection with Chanchal Police Station Case No. 297 of 2018, dated 23.05.2018 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Azad Ali alias Khadimul.**
...Petitioner

Mr. S. S. Imam,
Mr. Imdadul Hoque.

...For the Petitioner

Mr. Saibal Bapuli,
Mr. Soumik Ganguli.

...For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition / application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Chanchal Police Station Case No. 297 of 2018 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act.

Commercial quantity of contraband has been allegedly recovered from the possession of the petitioner, which would be evident from the first information report. A plea has been taken by the petitioner that he was attending the police authorities at Raiganj on the day, when the alleged case has been filed against him and, therefore, the instant case on the alleged facts is concocted and aimed to implicate the petitioner.

We have perused the acknowledgement issued by the police authorities of Raiganj annexed to the petition at page 21, wherefrom it appears that the time and date, which has been put therein, does not instill any confidence on us over the veracity of the statements made by the petitioner.

Since the commercial quantity of contraband has been recovered allegedly from the possession of the petitioner, we do not think that the petitioner is entitled to bail in view of the provisions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

Accordingly, the application for bail, being CRM 969 of 2021, is dismissed.

At this stage we have been informed that two witnesses have been examined.

We, therefore, request the learned Special Judge to expedite the trial of the case.

(Harish Tandon, J)

(Tirthankar Ghosh,J.)