

23.03.2021

Item No.87

Ct.No.28

Subha

rejected

C.R.M. 1026 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with N Case No. 248 of 2019 arising out of Swarupnagar Police Station Case No. 1063 of 2019 dated 10th December, 2019 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : Saddam Sardar ... Petitioner.

Mr. Surajit Basu

... For the Petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Majhi

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with N Case No. 248 of 2019 arising out of Swarupnagar Police Station Case No. 1063 of 2019 dated 10th December, 2019 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

The commercial quantity of contraband i.e., codeine mixture was recovered from the possession of the petitioner and the petitioner is in custody since 10th December, 2019. Initially the charge-sheet was submitted and it is informed to us that the supplementary chargesheet was submitted in the month of January, 2020.

It transpires from the records that the chargesheet have been filed but the charge has not been framed as yet, which propel the petitioner to take out this application and seeks release of the petitioner on bail.

In view of the restrictions imposed under Section 37 of the Narcotic Drugs and Psychotropic Act, we do not think that the petitioner has been able to overcome the rigours of Section 37 of the N.D.P.S Act, the prayer for bail of the present petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 1026 of 2021 is, accordingly, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)