

23.03.2021

Item No.88

Ct.No.28

Subha

rejected

C.R.M. 1033 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Special Case No. 51 of 2020 arising out of Malda Police Station Case No. 359 of 2020 dated 29-06-2020 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act.,

In the matter of : Asirul @ Hasirul Sk. ... Petitioner.

Mr. Mrityunjoy Chatterjee
... For the Petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Special Case No. 51 of 2020 arising out of Malda Police Station Case No. 359 of 2020 dated 29-06-2020 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act.

The bail application is taken out as the present petitioner was a smuggler and loader of a contraband having no direct nexus or complicity of the alleged offence.

It is undeniable that huge quantity of contraband was recovered not at the spot but also on the disclosure of the present petitioner from the godown of another person. The complicity of the petitioner cannot be ruled out, the seizure list shows the possession of the contraband having been recovered from the possession of the petitioner and in view of the restriction imposed under Section 37 of the N.D.P.S Act, we do not think that it is a fit case where the present petitioner may be released on bail and as such, the prayer for bail of the petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 1033 of 2021 is, accordingly, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)