

24.03.2021.
Item No.86
(Rejected)

ab

C.R.M. 1127 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.01.2021 in connection with Berhampore P.S. Case No. 1246 of 2019 dated 30.09.2019 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Mahabul Sk.**

... petitioner.

Ms. Minati Gomes,
Mr. Jisan Iqbal Hossain.

...For the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...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.

This is an application for bail in connection with Berhampore Police Station Case No. 1246 of 2019 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioner.

Ms. Minati Gomes, learned Advocate for the petitioner, vehemently submits that no recovery of contraband was made from the petitioner and the petitioner has been wrongly implicated in connection with the instant case and is languishing in jail for 130 days.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the contraband was carried by the person named in the seizure list in the car, which is owned by the petitioner.

After hearing the respective submissions and on perusal of materials available on record including the tax

invoice issued by the authorized retailer of such brand and maker of the car establishing the ownership of the petitioner, we do not think that the petitioner has been able to make out a case outside the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

Accordingly, the application for bail being CRM 1127 of 2021 is **rejected**.

However, we direct the learned Judge, Special Court, to take endeavour to expedite the trial.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)