

24.03.2021.
Item No.87
(Rejected)

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C.R.M. 1129 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 Jalangi P.S. Case No. 162 of 2020 dated 19.04.2020 under Sections 23(c)/24 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Mahatab Mondal.**

... petitioner.

Ms. Minati Gomes,
Mr. Jisan Iqbal Hossain.

...For the petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mr. Santanu Chatterjee.

...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 Jalangi Police Station Case No. 162 of 2020 under Sections 23(c)/24 of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioner.

The learned Advocate for the petitioner submits that the petitioner is in custody for 154 days and he has been falsely implicated in the instant case. Additionally, she submits that the genesis of the case arose from the fact that a bicycle was recovered and the investigating authorities tried to connect the petitioner with the said bicycle. According to her, the foundation of the case being made without any truth, the petitioner may be enlarged on bail on any stringent condition.

The learned Advocate for the State opposes the prayer for bail. He submits that the personnel of the Border Security Force while checking the present petitioner huge

number of Yaba tablets were recovered from his possession and the petitioner fled away from the spot. Subsequently, an information was lodged with the local police station and the investigation was carried on.

We have perused the case diary, the statement of the Border Security Force Authority and the seizure list wherefrom we find huge quantity of Yaba tablets were recovered. Having regard to the same, we are of the opinion that the petitioner is allegedly connected with the offence as is appearing from the statement of the witnesses and, thus, the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act is attracted and, as such, the petitioner is not entitled to be released on bail.

Accordingly, the application for bail being CRM 1129 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.)