

25.03.2021

Item No.108

Ct.No.28

dc.

Rejected

C.R.M. 1302 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Joynal Mandal @ Jainal Mandal**

... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon

... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. C. R. Ghosh

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan P.S. Case No. 179 of 2020 dated 10.06.2020 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 35 of 2020).

The learned advocate for the petitioner submits that the petitioner has been falsely implicated and there are no incriminating materials against the petitioner on records. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than 278 days, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and submits that codeine

mixture, above commercial quantity, was recovered from the joint possession of the petitioner and other three co-accused persons.

Having heard the learned advocates and considering the materials in the case diary and since contraband substance, above commercial quantity, was recovered from the possession of the petitioner and other co-accused persons, we are of the opinion that the petitioner has not been able to overcome the rigours of Section 37 of the N.D.P.S. Act and as such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 1302 of 2021, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)