

14.07.2021

Court No.28
Item No.9
(REJECTED)

Akd/Ab

CRM 1851 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 12.02.2021 in connection with Bongaon Police Station Case No. 264 of 2020 dated 20.05.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Hasan Mondal and another.**
...Petitioners.

Mr. Sumanta Chakraborty.

...For the Petitioners

Mr. Saibal Bapuli,
Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 264 of 2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

The commercial quantity of contraband has been recovered from the joint possession of the petitioners and they are in custody for 421 days.

Admittedly, the charge-sheet has already been submitted and after collection of the Chemical Examination Report, the supplementary charge-sheet has also been submitted before the learned Additional Sessions Judge, 6th Court at Barasat, but charges have not been framed as yet.

Several pleas have been taken showing the lapses on the part of the prosecution but we do not find that such ground can be considered as an exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act, which creates an embargo in granting

bail to the persons from whom the contraband has been recovered. All such pleas, if taken at the trial, shall be dealt with and considered by the learned Additional Sessions Judge, 6th Court at Barasat.

We do not find that it can be projected affront for securing the bail despite the embargo created under Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

The application for bail, being CRM 1851 of 2021, is thus **rejected.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)