

17.11.2021

CRM 2384 of 2021

Court No.28
Item No.32
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2021 in connection with Mangalkote Police Station case No. 174 of 2019 dated 23.07.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 23 of 2019);

And

In the matter of : **Mahibul Kazi alias Kazi Mahibul Haque.**
...Petitioner.

Ms. Sinthia Bala,
Mr. Diptendu Banerjee.

...For the Petitioner.

Mr. Sanjay Bardhan,
Mr. Saryati Dutta.

... For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Mangalkote Police Station case No. 174 of 2019 dated 23.07.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

This is a second round of litigation before this Court at the behest of the petitioner. The earlier application for bail being CRM 863 of 2020 was rejected on 14th January 2021. It has been categorically recorded therein that the petitioner disclosed his involvement in dealing with the codeine mixture and on the leading statement, the same was recovered from the house of the co-accused.

Since the petitioner was found to have actively involved in dealing with the contraband and recovery has been made on his leading statement, may not be from his house but he had a tacit knowledge and, therefore, theory of consciousness can be extended.

Since the earlier application for bail was rejected by this Court after filing of the charge-sheet, we do not find any changed circumstances warranting different decision to be taken in this application.

The application for bail being CRM 2384 of 2021 is, thus, ***rejected.***

However, we request the learned Judge, Special Court under the Narcotic Drugs and Psychotropic Substances Act, Burdwan, to expedite the trial of the case.

(Harish Tandon, J)

(Rabindranath Samanta,J.)