

08.11.2021
15
sdas
rejected

C.R.M. 2529 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 499 of 2020 dated 01.07.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Biplab Bhowmik petitioner

Mr. M. Mukherjee
Mr. Sourav Chatterjee
Mr. D. Roy

... for the petitioner

Mr. Sanjoy Bardhan
Ms. Mnisha Sharma

... for the State

Learned Counsel appearing for the petitioner submits that the petitioner was illegally detained on 28.06.2020 by the police personnel and has been falsely implicated in the instant case. Application was made before the Special Judge with regard to the aforesaid facts and upon receipt of initial report further enquiry had been directed to be conducted by the DIG, Malda. It is submitted that report by the superintendent police officer is awaited.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner and the co-accused persons were apprehended with narcotic substance above commercial quantity i.e. 1 kg of brown sugar. Allegation with regard to illegal arrest and detention are out and out false. Complaint with regard to so-called illegal arrest was filed

belatedly after the petitioner was produced in Court in connection with this case.

We have considered the materials on record. Statements of the witnesses as well as the seizure memorandum prima facie show possession of narcotic substance above commercial quantity from the petitioner. Although it is alleged that the petitioner was illegally arrested and detained on 28.06.2020, no complaint was filed before any Court or authority till the petitioner was produced before the Special Court on 01.07.2021. Only on 03.07.2021 complaint was filed before the said court raising the plea of illegal detention ad false implication of the petitioner.

In view of the aforesaid fact and in view of the materials on record connecting the petitioner with the alleged crime and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)