

23.08.2021

Court No.28
Item No.9
(REJECTED)

Saswata

CRM 2614 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Suti Police Station Case No. 221 of 2020 dated 30.05.2020 under Sections 21(c)/29 of the NDPS Act;

And

In the matter of : **Jamal Hossain**

...Petitioner.

Mr. Sandip Chakraborty

...For the Petitioner

Mr. Sanjay Bardhan

Mr. Pratick Bose

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti Police Station Case No. 221 of 2020 under Sections 21(c)/29 of the NDPS Act.

Indubitably, the commercial quantity of contraband had been recovered from the joint possession of the petitioner. The petitioner is in custody for nearly 430 days. It is submitted that the substance was not sent for chemical examination for a pretty long time and unnecessarily the matter is being dragged and the petitioner is forced to remain in custody.

The State opposes the prayer for bail and submits that the chemical examination report had been received by the Investigating Officer on 23rd March 2021 and the supplementary charge sheet was filed on 16th April 2021. It is further submitted that since the commercial quantity of contraband was recovered from the joint possession of the petitioner, he has not made a case for his release on bail.

After hearing respective counsels and considering the materials on record and the fact that the commercial quantity of contraband was recovered from the joint possession of the petitioner, we do not find any justification in releasing the petitioner on bail. Furthermore, the rigor of Section 37 of the NDPS Act does not permit release of the petitioner without any justifiable cause.

In view of the above, the application for bail is, thus, considered and ***rejected.***

The application for bail being CRM 2614 of 2021 is, accordingly, dismissed.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)

