

17.08.2021
Item no.37.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 2743 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.3.2021 in connection with Ketugram Police Station Case No.25 of 2020 Dated 20.01.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act

And

In the matter of : Md. Jahangir Mallick & Anr.

.....Petitioners.

Mr. Kallol Mondal,
Mr. Syed Hasan Jamal,
Ms. Amrita Chelfor the Petitioners.

Mr. Sanjay Bardhan,
Ms. Manisha Sharmafor the State.

The allegation against the petitioners is under the provisions of the NDPS Act.

It is submitted on behalf of the petitioners that they were in custody in connection with another case when they were shown arrested in the present case. No recovery of narcotic substance was made from them. Charge sheet has been submitted.

The State opposes the prayer for bail. Referring to the material in the case diary including the statements of witnesses recorded under Section 161 of the Code and the seizure list, it is

submitted on behalf of the State that pursuant to leading statement of the petitioners, while in police custody in connection with the previous case, narcotic substance above commercial quantity was recovered from the house of one Tara Mallick.

We have considered the material in the case diary. It prima facie appears that pursuant to statement of the petitioners while in police custody in connection with the earlier case, narcotic substance above commercial quantity was recovered as identified by the petitioners. The co-accused persons, who have been granted bail earlier by a Coordinate Bench of this Court, are not on the same footing as the present petitioners.

In view of the prima facie involvement of the petitioners in dealing with narcotic substance above commercial quantity and also in view of the restriction in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The prayer for bail stands rejected.

C.R.M. No.2743 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

