

16.08.2021

Court No.28
Item No.19
(REJECTED)

Saswata

CRM 3033 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Baishnabnagar Police Station Case No. 863 of 2017 dated 15.11.2017 under Section 15(C) of the NDPS Act;

And

In the matter of : **Md. Sukuruddin @ Sukuruddin**

...Petitioner.

Mr. Ayan Bhattacharya
Mr. Sagar Saha

...For the Petitioner

Mr. Sanjay Bardhan
Ms. Manisha Sharma

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 863 of 2017 under Section 15(C) of the NDPS Act.

The petitioner is in custody for nearly 322 days in connection with the aforementioned case, originated on the recovery of poppy straw from the ancestral property. It is not disputed that the petitioner resides there along with his family members. Although there was no physical presence of any of the siblings of the petitioner, yet the contraband was recovered from the ancestral property, which raises suspicion.

The earlier application for bail was rejected on 5th February 2021 on the ground that the commercial quantity of contraband was recovered and the petitioner was able to evade the process of law for a considerable period of time. Even if the petitioner is in custody for a considerable period of time, the observation that the commercial quantity of contraband was recovered from the petitioner, has not been diluted to any extent.

We, thus, do not find any ground of releasing the petitioner on bail.

The application for bail is, thus, considered and ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)

