

29.07.2021
Item no.22.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 3544 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2021 in connection with Kaliachak Police Station Case No.422 of 2020 Dated 03.06.2020 under Sections 21(C)/29 of the NDPS Act

And

In the matter of : Nivash Mandal @ Nibhash Mandal

.....Petitioner.

Mr. Milan Mukherjee, Sr. Adv,
Mr. Dattatreya Duttafor the Petitioner.

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

The allegation is that commercial quantity of heroin was recovered from the exclusive possession of the petitioner and a co-accused.

Mr. Mukherjee, learned Senior Counsel appearing for the petitioner argues that the time of seizure as shown in the seizure list is not permitted under Section 42 of the NDPS Act. Further, the provisions of Section 52A have not been complied with.

The fact remains that Section 37 of the NDPS Act contains a statutory restriction on the grant of bail in case of

recovery of commercial quantity of contraband. Accordingly, we decline the prayer for bail.

The prayer for bail stands rejected, at this stage.

We are told that one of the accused persons is absconding and warrant of arrest has been issued against him. The trial should be expedited. If necessary, the trial against the petitioner and the absconding accused person should be split up and the trial of the present petitioner should be proceeded with as expeditiously as the business of the Court may permit and the same may be brought to a logical conclusion at the earliest.

C.R.M. No.3544 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)