

27.07.2021
Item no. 17
Court No.32.
S.De.(a)
(rejected)

(Via Video Conference)

CRM 3574 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 Kumarganj Police Station Case No. 46 of 2015 Dated 03.03.2015 under Sections 21/22/25/27A/28 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Mustan @ Mustafijur Rahaman @

Mustafijur Mondal.

.....Petitioner.

Ms. Riya Das, Advocate,

.....for the Petitioner.

Mr. Sanjoy Bardhan, Advocate,
Ms. Manisha Sharma, Advocate,

.....for the State.

The petitioner is one of the two accused persons. The charge is under different provisions of the N.D.P.S. Act 1985.

The case of the prosecution is that commercial quantity of contraband (phensedyl) was recovered from the house of the petitioner who was not present then. From the house of the co-accused also commercial quantity of contraband was recovered.

Learned advocate for the petitioner submits that the co-accused has been granted bail by the lower court. The petitioner stands on the same footing as the co-accused. He should also be enlarged on bail.

We have seen the material in the case diary and have considered the facts and circumstances of the case. By an order dated November 5, 2019, a Co-ordinate Bench of this Court rejected the petitioner's prayer for bail in C.R.M. 10181 of 2019. In such view of the fact and also in view of the statutory restrictions in Section 37 of the N.D.P.S. Act, we are not inclined to allow the prayer for bail. We are further told that the trial has commenced. We request the learned trial judge to expedite the trial and conclude the same as soon as the business of the Court may permit.

C.R.M. 3574 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.)