

06.08.2021

Court No.28
Item No.23
(REJECTED)

Saswata

CRM 4019 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Basirhat Police Station Case No. 1364 of 2019 dated 01.12.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Bhola Das @ Meghnath Das**

...Petitioner

Mr. Subhadeep Ghosh

...For the Petitioner

Mr. Sanjay Bardhan

Mr. Nirupam Dhali

Mr. Palash Chandra Majhi

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 1364 of 2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner was shown arrested in connection with the instant case upon recovery of 5 liters of codeine mixture from his possession.

The petitioner was apprehended earlier in connection with another case of like nature and such fact does not instill confidence in us that the petitioner is innocent. Since the recovery of contraband above commercial quantity was shown to be recovered from the possession of the petitioner, we do not find any justification in enlarging the petitioner on bail in view of the embargo created under Section 37 of the NDPS Act.

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

(Harish Tandon, J)

(Bibek Chaudhuri, J.)