

09.08.2021

Court No.28
Item No.32
(REJECTED)

Saswata

CRM 4120 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Matia Police Station Case No. 04 of 2021 dated 05.01.2021 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Abdul Gaffar Mondal**

...Petitioner.

Mr. Sourav Chatterjee
Ms. Amrin Khatoon

...For the Petitioner

Mr. Sanjay Bardhan
Mr. Nirupam Dhali
Mr. Palash 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 Matia Police Station Case No. 04 of 2021 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

An application for bail has been moved by the petitioner showing disparity in the F.I.R. as well as in the forwarding memo. It is sought to be projected that the covering memo would disclose the existence of a car which is conspicuously absent in the F.I.R. It is further submitted that there was no independent witness at the time of seizure nor Magistrate was there at the time of apprehension.

The State opposes the prayer for bail and relies upon a seizure list, showing recovery of commercial quantity of contraband from the joint possession of the petitioner.

All such plea, in our opinion, can be considered at the time of trial, as we do not find that those can stand to enuring to the benefit of the petitioner to come out of the rigor of Section 37 of the NDPS Act. We, thus,

do not find any justification in releasing the petitioner on bail.

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

(Harish Tandon, J)

(Bibek Chaudhuri, J.)