

27.09.2021

CRM 4587 of 2021

Court No.28
Item No.17
(Rejected)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No. 647 of 2020 dated 27.08.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Aniul Sk.**

...Petitioner.

**Mr. Mritunjoy Chakraborty,
Mr. Md. G. N. Imrohi,
Mr. Debopriyo Majumder.**

...For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kaliachak Police Station Case No. 647 of 2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

The instant application for bail is taken out solely on the ground that the other co-accused has already been enlarged on bail on 12th February, 2021 in CRM 11048 of 2020 and the petitioner is unnecessarily kept in detention for more than one year.

Learned Advocate for the State opposes the prayer for bail and submits that the contraband was recovered from the exclusive possession of the petitioner.

After hearing the respective submissions and on perusal of the materials on record we find that the co-accused, who has been enlarged on bail, does not stand on the same footing with that of the petitioner, as there was no recovery of contraband from his exclusive or joint possession.

Since the contraband above the commercial quantity was recovered from the exclusive possession of the present petitioner, we

do not find that he has been able to make out a case taking exception to Section 37 of the N.D.P.S. Act.

The prayer for bail is thus rejected.

However, the learned Judge under the N.D.P.S. Act is requested to expedite the trial of the case.

The application for bail being **CRM 4587 of 2021** is **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)