

23.09.2021
Item no.24.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 5161 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2021 in connection with Karimpur Police Station Case No.72 of 2020 Dated 20.3.2020 under Section 20(b)(c) of the NDPS Act

And

In the matter of : Rabjel Mondal @ Kalu

.....Petitioner.

Mr. Rajdeep Majumder,
Mr. Binay Shawfor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Ch. Majhifor the State.

This is a case under Section 20(b)(c) of the NDPS Act.

Learned Advocate for the petitioner submits that there has been no recovery of contraband items from the possession of this petitioner and only the vehicle of this petitioner bearing no.WB02Z 8207 being Hyundai i10 has been seized in this case. Further, this petitioner is languishing in custody for about 447 days and, accordingly, his prayer for bail may be allowed.

Learned Advocate appearing on behalf of the State submits that this petitioner fled away from the place of occurrence in the Hyundai i10, which was subsequently seized from his house during the course of investigation and

furthermore, there has been seizure of commercial quantity of ganja from the vehicle that was apprehended on the spot and, accordingly, there is sufficient incriminating material against this petitioner of his involvement in the alleged offence and as such, his prayer for bail should be rejected.

We have heard learned Advocates of both the sides at length and also perused the material in the case diary. It appears from the seizure list dated 20.3.2020 that there has been seizure of 42 kilograms of ganja, which is commercial quantity, and the statements of the witnesses reveal that this petitioner fled away from the spot in his i10 bearing no. WB02Z 8207. The seizure list at page 59 of the case diary shows that the Hyundai i10 has been seized from the house of this petitioner.

Taking into consideration the aforesaid material in the case diary and the recovery of commercial quantity of ganja, we are not inclined to allow the prayer for bail of the petitioner, at this stage.

C.R.M. No.5161 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

