

16.11.2021

Court No.28
Item No.95
(REJECTED)

Saswata

CRM 5463 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhagwangola Police Station Case No. 500 of 2020 dated 20.10.2020 under Sections 21(C)/29 of the NDPS Act;

And

In the matter of : **Dukhu Mahato & Anr.**

...Petitioners.

Mr. Md. Zeeshan Uddin

Ms. Amrin Khatoon

...For the Petitioners

Mr. Rana Mukherjee, APP

Mr. Santanu Chatterjee

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 500 of 2020 under Sections 21(C)/29 of the NDPS Act.

Contraband above commercial quantity, i.e., 10 litres of codeine mixture was recovered from the joint possession of the petitioners.

The petitioners have been apprehended immediately along with other co accused and is languishing in jail for more than one year.

Since contraband above commercial quantity was recovered from the joint possession of the petitioners, the petitioners are not entitled to bail because of the rigor of Section 37 of the NDPS Act.

Accordingly, the prayer for bail of the petitioners is ***rejected***.

We are informed that that charge sheet has already been submitted but charges have not yet been framed and, therefore, we request the Learned Special Judge under the NDPS Act to expedite the trial of the case.

The application for bail being CRM 5463 of 2021 is accordingly ***dismissed***.

(Harish Tandon, J)

(Rabindranath Samanta,J.)

