

26. 07.10.2021
Ct.32
Tanmoy
Rejected

C.R.M. 5703 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/08/2021** in connection with N.D.P.S. Case No. **28 of 2019** arising out of **STF Police Station Case No. 26 of 2019** dated **02/08/2019** under Sections **22(c)/29** of the N.D.P.S. Act, 1985 read with Section **14(b)** of the Foreigners Act.

And

In the matter of: - **Assabur Hossain**

...petitioner.

Mr. Sabir Ahmed,
Mr. Shraman Sarkar

...for the petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

The petitioner renews his prayer for bail which was rejected firstly on January 18, 2021 in C.R.M. 236 of 2021 and then again on July 7, 2021 in C.R.M. 3283 of 2021. Learned Advocate says that the petitioner is very ill. Proper treatment cannot be arranged in the jail hospital. On medical ground he should be enlarged on bail. He has been in custody for about two years and three months.

From the material in the Case Diary it appears that more than commercial quantity of contraband item was recovered from the possession of this petitioner. Twice his bail prayer has been rejected by co-ordinate Benches of this Court, last time as recently as in July, 2021. We find no changed circumstances since then.

Accordingly, the application for bail being C.R.M. 5703 of 2021 is **dismissed**.

However, we direct the Superintendent of the Presidency Correctional Home, where the petitioner is housed, to arrange for all necessary treatments that the petitioner may require including shifting him to other hospitals, if necessary, under the supervision of the Superintendent.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)