

23.11.2021
Court No.32
rpan / 14

CRM 7515 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Asirul Sk. @ Hasirul Sk**

- Petitioner.

Mr. Satadru Lahiri,

Mr. Safdr Azam

... for the Petitioner.

Mr. Sanjay Bardhan

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Malda Police Station Case No. 359 dated 29.06.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 18(b)/27 of the Drugs and Cosmetics Act.

The learned advocate appearing for the petitioner submits that the petitioner is a daily labourer and there had been no recovery of contraband substance from his possession. He had been falsely implicated and a co-accused person, namely, Baban Das similarly situated with the petitioner, had also been enlarged on bail. In view thereof, further detention of the petitioner, who has been in custody for about one year and five months, is not warranted, more so when, upon completion of investigation charge sheet has been submitted.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that upon the petitioner's leading statement there had been a recovery of 37,500 bottles of

phensedyl and that the co-accused, Baban Das is not similarly situated with the petitioner.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that the petitioner's prayer for bail was earlier rejected by a coordinate Bench of this Court on 30th June, 2021 and there had been no substantial change in the circumstances thereafter. Considering the gravity of the offence and the extent of complicity of the petitioner we are of the opinion that the rigours of Section 37 of the NDPS Act are attracted and accordingly, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

The application for bail, being CRM No.7515 of 2021, is dismissed.

It is submitted by the learned advocate appearing for the petitioner that chemical report is still awaited. In view thereof, the prosecution is directed to take expeditious steps to obtain such chemical report.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)