

17.03.2021

CRM 10692 of 2020

Court No. 28
Item No. 27
snandy

(REJECTED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 15.12.2020 in connection with Hogalberia Police Station Case No. 07 of 2020 dated 13.01.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act, Section 14 of the Foreigners Act. (NDPS Case No. 04 of 2020)

and

In the matter of: **Nelon Mondal @ Rijabul Mondal @ Rejabul Mondal**
..... Petitioner

Mr. Arindam Jana, Advocate

Mr. Sumanta Das, Advocate

.....for the Petitioner

Mr. Binay Kumar Panda, Advocate

Mr. S. Bhakat, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Hogalberia Police Station Case No. 07 of 2020 dated 13.01.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act, Section 14 of the Foreigners Act.

The learned Advocate of the petitioner submits that the petitioner was initially apprehended as foreigner but the chargesheet does not include any offence to have been committed under the Foreigner's Act. It is further submitted that if the story made out goes right, there is no occasion to implead three other persons at the time of registration of this case. He further submits that this Court directed the State to submit a report showing progress in the case. According to him, there is no substantial progress, which can be seen and, therefore, the petitioner is entitled to be released on bail.

The learned Advocate for the State opposes the prayer for bail and submits that the chemical examination report has been obtained subsequently from the laboratory and relies upon the same at the time of hearing. However, he is unable to apprise whether supplementary chargesheet has been filed after having the chemical examination report.

We have perused the earlier order of rejection passed in

connection with CRM 5322 of 2020 on August 10, 2020. It appears therefrom that according to the State, the petitioner is a habitual offender and fled away from the spot. It is undeniable that commercial quantity of contraband is involved in the instant case and in view of the statement of the State and the findings recorded by the Court that the petitioner does not come outside the restrictions imposed under Section 37 of the NDPS Act, we are not inclined to extend the privilege of release of the petitioner.

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

The application being **CRM 10692 of 2020** accordingly **dismissed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)