

10.02.2021

Item No.12

Ct.No.28

dc.

C.R.M. 10790 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Milan Mondal**

... Petitioner.

Mr. Prabir Majumder

... For the Petitioner.

Mr. Noguive Ahmed,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Amherst Street P.S. Case No. 176 of 2020 dated 26.07.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Case No. 27/2020).

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 153 days and the crux of the case is that from two vehicles, 83 kgs. and 50 kgs. of contraband substance (ganja) were recovered. The learned advocate further submits that the petitioner is a driver of one of the vehicles from which seizure was effected.

The learned advocate for the State opposes the prayer for bail and submits that commercial quantity of contraband

was seized from the petitioner and others and as such, the provisions of Section 37 of the N.D.P.S. Act is attracted. The learned advocate for the State further submits that chemical examiner's report has already been submitted before the learned Special Court.

Having regard to the fact that involvement of the contraband so seized is of commercial quantity, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. As such, petitioner's prayer for bail is **rejected**.

However, the learned trial court is directed to expedite the progress of the trial and conclude the same within a reasonable period of time.

With the aforesaid observations, the application for bail, being CRM 10790 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)