

28.01.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with NDPS Case No.**127 of 2019**
Sl.14 corresponding to NCB Crime No.**07 of 2019** under Section 22C of the
Ct.28 Narcotic Drugs and Psychotropic Substances Act;

And

In re: Samir Mandal @ Satyajit Mandal

... petitioner.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

... for the petitioner.

Mr. Y.J. Dastoor, Ld. ASG
Mr. Phiroze Edulji

...for the UOI.

The learned advocate for the petitioner submits that the petitioner's residence is adjacent to the border area and that is why he has been falsely implicated in connection with the instant case. Additionally, the learned advocate submits that he is in custody for one year six months and as such, further detention of the petitioner is not necessary.

Mr. Dastoor, learned Additional Solicitor General for the Union of India submits that commercial quantity of contraband was seized from the possession of the petitioner and charge has already been framed.

Having regard to the fact that the petitioner has been unable to overcome the rigour of Section 37 of the NDPS Act and only six witnesses have been relied on by the prosecution, we are of the opinion that the petitioner cannot be released on bail at this stage.

With the above observations and discussions, CRM No.10803 of 2020 is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)