

01.07.2021

Court No.28
Item No.17
(REJECTED)

Saswata
&
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 693 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case no. 62 of 2020 arising out of Sahebganj Police Station Case No. 331 of 2020, dated 07.08.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substance Act.

And

In the matter of : **Rahul Mia @ Rahul Miah & Anr.**
...Petitioners

Mr. Hillol Saha Poddar.

...For the Petitioners

**Mr. Ujjal Luksom,
Mr. Biswarup Roy.**

...For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

This is a case, wherein, there is a recovery of 200 bottles of phensedyl i.e. above the commercial quantity.

Learned Advocate for the petitioners submits that the police has falsely implicated the petitioners in this case, while they were returning back to their respective homes. Petitioners are in custody for 327 days and, as such, further detention, according to the petitioners, is unnecessary.

Learned Advocate for the State raises objection. It is submitted that commercial quantity of contraband was recovered from the exclusive possession of the petitioners and there is strong possibility of their abscondence in the event of petitioners being released on bail.

Having considered the submissions of both sides revealing direct involvement of the petitioners with regard to the alleged recovery of contraband and in view of the restriction imposed under Section 37 of

the Narcotic Drugs and Psychotropic Substance Act, we are not inclined to grant bail to the petitioners.

CRM 693 of 2021 is rejected accordingly.

We, however, direct the trial to be expedited.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)