

05.08.2021

Court No.28
Item No. JB-03
nandy

(BAIL – REJECTED)

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

(Via Video Conference)

CRM 736 of 2021

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 13.07.2021 in connection with Jalpaiguri Kotwali Police Station Case No. 237 of 2021 dated 01.05.2021 under 22A/29 of the Narcotic Drugs & Psychotropic Substances Act.

and

In the matter of: **Manjoy Mandal & Anr.**

.....Petitioners

Ms. Jeenia Rudra, Advocate
Mr. Kaustav Shome, Advocate

.....for the Petitioners

Mr. Aditi Sankar Chakraborty, learned A.P.P.
Mr. Ujjwal Luksom, Advocate
Mr. Aniruddha Biswas, Advocate

.....for the State

The Advocate-on-record of the petitioners undertake 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.

The petitioners have filed the instant application for bail in connection with Jalpaiguri Kotwali Police Station Case No. 237 of 2021 dated 01.05.2021 under 22A/29 of the Narcotic Drugs & Psychotropic Substances Act.

The petitioners allegedly were apprehended while selling Brown Sugar in Tin Koniya Mor and 52 grams of Brown Sugar was recovered from the possession of petitioner no. 1 while 36 grams of the same contraband was recovered from petitioner no. 2 along with cash money of forty thousands.

Though the quantity of contraband recovered is below the commercial quantity but considering the role of the petitioners attributable to the commission of alleged offence, we do not think any discretion in the form of leniency can be extended to these petitioners who were openly selling the contraband at public place.

As such, the prayer for bail is **rejected**.

The application being **CRM 736 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)