

03.12.2021

Item No.18

Ct.No.1

K.B/b.r.

Bail rejected

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

C.R.M. 939 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No.32 of 2021 arising out of Kotwali, Cooch Behar P.S. Case No. 136 of 2021 dated 28.02.2021 under Sections 21C/29 of the NDPS Act, 1985.

And

In the matter of : **Tanmoy Roy Mandal & Anr.**

... Petitioners.

Mr. Hillol Saha Poddar

... for the petitioners

Mr. Kallol Acharjee

Mr. Biswarup Roy

... for the State.

Learned advocate for the petitioner submits that the petitioners are innocent of the charges and they have been falsely implicated in the instant case.

Learned advocate also disputes the manner in which the provision of Section 52A of the NDPS Act was not adhered to.

Learned advocate for the State opposes the prayer for bail and submits that commercial quantity of narcotic substances were recovered from the possession of the petitioners.

Having regard to the rigors of Section 37 of the NDPS Act and that the substances were recovered from the possession of

the petitioners, we are not inclined to release the petitioners on bail.

Accordingly, the prayer for bail being CRM 939 of 2021 is dismissed.

However, learned Special Court is directed to expedite the trial and take the same to its logical conclusion within a reasonable period of time.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)