

16.02.2022
Court No.32
Item No.10
Avijit Mitra

C.R.M.(NDPS) No.18 of 2022 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagdah Police Station case no.22 of 2019 dated 15.01.2019 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In Re : Prollad Mondal @ Hepo

.... petitioner

Mr. Hillol Saha Poddar,

Mr. Nimai Ray,

Mr. Rohit Mukherjee

...for the petitioner

Mr. Ranadeb Sengupta

....for the State

Mr. Saha Poddar, learned lawyer appearing for the petitioner submitted that allegedly contraband articles were recovered from the old house of the present petitioner but according to him said house does not belong to the petitioner. Not a single piece of document is there to show that the said house property belongs to the present petitioner. According to him, the petitioner is falsely implicated by the investigating agency. He is in custody for about 3 years 1 month. Therefore, he prays for grant of bail.

Mr. Sengupta, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioner. He invited our attention to the custodial statement of the present petitioner coupled with the recovery of contraband articles evidenced by seizure memo. He further submitted that contraband articles were recovered from the custody of the present petitioner

from his old house for which rigors of Section 37 of the N.D.P.S. Act shall apply. Accordingly, he opposed the bail.

We have heard the rival submissions and perused the case diary.

We have perused the statements of the present petitioner recorded on 15.01.2019 when he was in custody followed by recovery of commercial quantity of contraband articles from his house as indicated by him. Witnesses also corroborate this recovery. On perusal of case diary and other materials and considering the fact that rigors of Section 37 of the N.D.P.S. Act applies in this case, we are not inclined to allow the prayer for bail of the petitioner at this stage.

Accordingly, the application for bail, being CRM(NDPS) No.18 of 2022, is dismissed, at this stage.

However, we direct the learned Trial Court to consider the charge, if not done, within a period of 30 days from the date of communication of this order and to finish the trial immediately, if the charge is so framed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)