

CRM(NDPS) No.38 of 2022

Via video conference

18.02.22

(S.R.)

Sl.10

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chapra** Police Station Case No.57 of 2021 dated 06/02/2021 under Sections 21(C) and 29 of the NDPS Act;
And

In re: Sabikul Kunahar @ Sabikun Nahar Mondal ... petitioner.

Ms. Minoti Gomes

Mr. Sumanta Das

... for the petitioner.

Mr. Binay Panda

Mr. Subham Bhakat

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that there was no recovery of contraband substance above commercial quantity from the possession of the petitioner and in view thereof, the petitioner may be enlarged on bail on any stringent condition, as she has already suffered incarceration for about 190 days.

Mr. Panda, learned advocate appearing for the State submits that the petitioner's prayer for bail was earlier rejected by a Coordinate Bench of this Court on 2nd November, 2021 and after considering the issue of possession of contraband substance, the petitioner's prayer was turned down.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the argument of Ms. Gomes as regards the possession of contraband substance was considered by the Coordinate Bench of this Court while rejecting her prayer on 2nd November, 2021. In view thereof and since, there had been no substantial change in the circumstances of the case subsequent to rejection of the petitioner's earlier prayer for bail, we are not inclined to exercise discretion in her

favour. As such, the petitioner's prayer for bail is refused at this stage.

The application for bail being CRM(NDPS) No.38 of 2022 is, accordingly, dismissed.

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.)