

67 28.01.2022
(AD) Court No.29

(Rejected)

C.R.M. (NDPS) 53 of 2022
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Memari** P.S. Case No.**416 of 2020** dated **12/09/2020** under Sections **20(b)(ii)(c)/29** (subsequently added) of the Narcotic Drugs and Psychotropic Substances Act, 1985, corresponding to Special Case No.24/2020.

And

In the matter of: Sankar @ Shankar Mondal

....petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

... for the State.

None appears for the petitioner.

This is a petition where the petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the coordinate Bench rejected the prayer for bail on March 24, 2021 in CRM 1677 of 2021. The Hon'ble Supreme Court rejected the petition under Article 136 of the Constitution directed against the order of rejection dated March 24, 2021. He submits that there is no change in circumstance subsequent to the order of rejection of the High Court. Jurisdictional Court framed charges against the accused and the date for recording of evidence was fixed.

Considering the fact that there is hardly any change in circumstance subsequent to the earlier order of rejection of the

prayer for bail and considering the fact that coordinate Bench returned a finding that commercial quantity of narcotics was recovered from the joint possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, the prayer for bail of the petitioner is rejected.

C.R.M. (NDPS) 53 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)