

02.02.2022

Serial no. 52

Dd

CRM (NDPS) 126 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Special Case No. 45 of 2020** arising out of **English Bazar** Police Station Case No. **498 of 2020** dated **13.06.2020** under **Sections 21(c) & 29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Pappu Singh & Ors.

... ..**Petitioners**

Mr. Sourav Chatterjee,
Mr. Avik Ghatak,
Ms. Afreen Begum, Advocates
... .. For the Petitioners

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Maghi, Advocates
... ..For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that brown sugar was alleged to be seized from the possession of the petitioners. He draws the attention of the Court to the chemical examination report and submits that morphine and codeine was found. He submits that the quantity seized is below the commercial quantity.

Learned advocate appearing for the State submits that the petitioners are guilty of suppression of material facts. The first two petitioners applied for bail by CRM 865 of 2021 which was rejected on March 18, 2021. He draws the attention of the Court to the averments made in the petition where this fact is not alluded to at all. In fact, it is claimed by the petitioners that the petitioners' bail was

lastly rejected on March 3, 2021 by the Learned Additional District and Sessions Judge, 3rd Court cum Special Court, Malda. He submits that 350 gram of narcotic was seized from the joint possession of the petitioners while 250 grams of morphine is the commercial quantity.

It appears from the record that the first two petitioners approached this Hon'ble Court for bail in CRM 865 of 2021 which was rejected on March 18, 2021. The petitioners state in the first paragraph of the petition that the last order of rejection of the prayer for bail was on March 3, 2021 and that too by the jurisdictional Court. Petitioners also claim that they never approached this Hon'ble Court on any earlier occasion in connection with this instant prayer for bail in the first paragraph of the petition.

In view of such statement made in the first paragraph of the petition which is patently false, it would be appropriate to not only reject the prayer for bail of the petitioners but also direct that there should be custodial trial of the petitioners. Moreover commercial quantity was seized from the possession of the petitioners, therefore they are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

CRM (NDPS) 126 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)