

28.02.2022
Serial no. 50
Aloke
Ct. No. 29

CRM (NDPS) 242 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2022 in connection with Rajarhat P.S. Case No. 13 of 2021 dated 12.01.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

-And-

**In the matter of: Tanmay Dinda @ Sonu @ Nihal
... ..Petitioner**

Mr. Pankaj Halder, Advocate
Mr. Sanatan Panja, Advocate
Mr. Tapas Manna, Advocate
... .. For the Petitioner
Mr. Ranadeb Sengupta, Advocate
... ..For the State

Considering the fact that the petitioner made a false statement in the first paragraph of the petition where the petitioner claims that he did not move earlier application for bail and considering the fact that the petitioner approached the Court in CRM 5258 of 2021 seeking bail which was rejected on December 6, 2021 and considering the fact that the petitioner suppressed such material fact being fully aware of the same from this Court, we are of the view that this conduct of the petitioner should be visited with consequences. It is alarming that the petitions are being filed by making a statement that it is the first application for grant of bail while such petitioner indulged in previous applications for bail which stood rejected without disclosing such order of rejections It is only because the department filed a report with regard to the earlier order of rejection of bail that the Court became aware of such fact.

In such circumstances, considering the fact that commercial quantity of narcotic was recovered from the 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. Therefore, we are unable to grant bail to the petitioner. Taking into consideration the conduct of the petitioner in trying to mislead the Court to obtain an order of bail in an offence involving the NDPS case, it is just and proper that the petitioner stands custodial trial.

CRM (NDPS) 242 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)