

22.03.2022

Sl. 45
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 300 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2022 in connection with **Chanditala** P.S. case No. **391 of 2018** dated **13/09/2018** under Sections **20(b) (ii) (c)** of the Narcotic Drugs and Psychotropic Substances Act 1985.

And

In the matter of: Sk. Kalam

....petitioner.

Mr. Sanjib Mitra

...for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the State draws the attention of the Court to the fact that the petitioner suppressed material fact. He refers to the first paragraph of the petition where the petitioner stated that this was the first application for bail before this Hon'ble Court. He draws the attention of the Court to the order dated November 8, 2021 passed in CRM 3964 of 2021 where the prayer for bail of the petitioner was rejected.

It appears from the records that the petitioner approached this Hon'ble Court for bail is CRM 3964 of 2021 which was rejected on November 8, 2021. The petitioner suppressed such fact in the petition. That apart, the petitioner made a false statement knowing the same to be false in the first paragraph of the petition when he claimed that the present application is the first application for bail before this Hon'ble Court.

The propensity of accused to seek orders of bail by suppressing the material facts before this Hon'ble Court and coming

with unclean hands should be dealt with sternly. Unchecked it will initiate the criminal justice delivery system.

In view of such conduct of the petitioner, we are of the view that the petitioner should be visited the consequences. We are of the view that the petitioner should undergo custodial trial.

Considering the fact that commercial quantity of narcotic was seized from the joint possession of the petitioner and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (NDPS) 300 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)