

C.R.M. (NDPS) 398 of 2022

22.04.2022
Sl. 47
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No. **27** of **2016** dated **20.01.2016** under Sections **18** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section **8** of the NDPS Act, 1985.

And

In the matter of: **Gudar Mandal**

....petitioner.

Ms. Minoti Gomes

Mr. Kalidas Saha

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner contends that Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted since, the petitioner is alleged to be cultivating poppy which is not quantified.

Learned advocate appearing for the State, that the earlier order of rejection was not only found on commercial quantity of narcotic but also on the ground of long absconsion of the petitioner.

Long absconsion of the petitioner is a material issue. The police case is of 2016 and the petitioner could be arrested only in January, 2022. He was absconding all this time.

In such circumstances, without entering into any other issues raised, in view of the long absconsion of the petitioner and in view of the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 398 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

