

11.04.2022
Serial no.76
[Dd]
(Bail **Rejected**)

CRM 4663 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **499** of **2020** dated **01.07.2020** under Sections **21(C)/29** of the NDPS Act (Special Case No. **52/2020**)

-And-

In the matter of : Sonu Sk

... ..Petitioner

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.
Mr. Ranjit Biswas, Advocates
... .. For the Petitioner

Mr. Sanjoy Bardhan,
Mr. Nirupam Dhali, Advocates
... ..For the State

Petitioner seeks bail.

Learned senior advocate appearing for the petitioner submits that the petitioner was detained on June 28, 2020. The petitioner was produced before the Learned Magistrate on July 2, 2020. He refers to an order dated July 3, 2020 of the Sessions Court. He submits that a report from the Superintendent, Malda was called for by the learned Sessions Judge. He also refers to the order passed by the co-ordinate Bench in respect of another co-accused denying bail to the co-accused.

Learned advocate appearing for the State submits that 1kg of brown sugar was seized from the joint possession of the petitioner as well as sale proceeds of Rs.6,80,000/-. He submits that the petitioner stands on the same footing as that of other two co-accuseds whose prayer for bail was rejected.

There is an allegation of illegal detention from June 28, 2020 till July 2, 2020. This issue was first raised before the learned Magistrate on July 3, 2020 when, apart from seeking report from the Superintendent of Police, Malda, the Sessions Judge, permitted the petitioner to make complaint before the appropriate forum to ventilate their grievances.

The petitioner did not make any complaint to any forum. At least nothing is on record.

Considering the fact that commercial quantity of narcotic was recovered from the joint possession of the petitioner along with sale proceeds, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Moreover, the co-ordinate Bench by the order dated November 8, 2021 passed CRM 2529 of 2021 considered the issue of illegal detention and was pleased not to allow the prayer of bail.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM 4663 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)