

14.02.2022

131
Ct. No. 29
KAUSHIK
REJECTED

C.R.M. 6974 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Basirhat** Police Station Case No. **183** of **2020** dated 10.02.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Mostakin Sekh.

..... petitioner

Mr. Sk. Toslim Ali

....for the petitioner

Ms. Sujata Das

....for the State

There is a statement in the first paragraph of the petition that the petitioner did not move any bail application under Section 439 of the Code of Criminal Procedure before this Hon'ble Court.

It appears from the records that the petitioner applied by CRM 6576 of 2020 for bail, which was rejected on September 16, 2020.

In view of the false statement made by the petitioner in first paragraph of the petition, knowing the same to be false, it would be appropriate that the petitioner is visited with consequences with regard thereto. It is alarming that petitions are being filed with such a brusque statement that the petitioner did not approach the Court on the previous occasion. It is sad to note that there is hardly any filter on the part of the

petitioner including the learned advocate appearing for the petitioner with regard to such material fact.

Narcotic of commercial quantity was seized from the possession of the petitioner.

Considering the fact that the narcotic of commercial quantity was seized 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. Consequently, we are unable to grant bail to the petitioner.

However, considering the conduct of the petitioner in trying to mislead the Court in order to secure an order of this Hon'ble Court by making a false statement we direct custodial trial of the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM 6974 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)