

CRM 8664 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Bidhan Mondal

.....Petitioner

Mr. Avishek Prasad
Ms. Sreetama Neogi

.....for the Petitioner

Ms. Pushpita Saha

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat P.S. Case No. 283/2019 dated 08.05.2019 under Sections 21(C)/22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substance Act.

Mr. Prasad, learned lawyer appearing for the petitioner submitted that the present petitioner was granted statutory bail initially, but he was arrested subsequently, on the basis of warrant of arrest and has been languishing in custody for more than 550 days. The learned Court below was approached for granting of bail but the same was rejected. Accordingly, he prays for bail on any stringent condition.

Per contra, Ms. Saha, learned lawyer appearing for the State submitted that the present petitioner was granted statutory bail which liberty he abused and was arrested on the basis of warrant of arrest. Commercial quantity of contraband article was recovered from the joint custody of the present petitioner. She further

submitted that rigors of Section 37 will apply in this case as contraband substance above commercial quantity was recovered from the joint possession from other co-accused along with the present petitioner. Accordingly, she strongly opposes the petitioner's prayer.

Heard the rival submissions and perused the case diary.

The present petitioner although had been granted statutory bail, jumped the same. It appears that contraband substance above commercial quantity was recovered from the joint possession of the petitioner and other co-accused. Accordingly, we are of the opinion that rigors of Section 37 will apply in this case. Therefore, we are not inclined to allow the bail and the same stands rejected at this stage.

The application CRM 8664 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)