

VB  
39. 20.10.2022  
Ct.28 Tanmoy/  
Suvayan

Rejected

**CRM (NDPS) 1280 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with **Domkal Police Station Case No. 301 of 2021** dated **29.05.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Pintu Mandal @ Babu Mandal & Anr.**

...petitioners.

Mr. Asraf Mandal

...for the petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,  
Mr. Dipankar Paramanick

...for the State.

Prayer for bail is made on behalf of the petitioners on the ground of supervening impossibility. It is pointed out by the learned Advocate for the petitioners that on 29<sup>th</sup> May, 2021, a case under Sections 341/326/307/506/34 of the Indian Penal Code was registered against the petitioners and others in the jurisdictional Police Station and on the selfsame date and time he was allegedly apprehended by the Police with narcotic substance of commercial quantity. Both the allegations cannot go side by side and the entire case under the Narcotic Drugs and Psychotropic Substances Act should be treated as falsely instituted by the Police authority.

Learned Public Prosecutor-in-Charge rightly pointed out from the copy of the F.I.R. of Domkal P.S. Case No. 300 of 2021 that though the aforesaid case was registered on 29<sup>th</sup> May, 2021, but the petitioners along with others committed offence punishable under the Indian Penal Code on 28<sup>th</sup> May, 2021. The petitioners were arrested in connection with Domkal P.S. Case No. 301 of 2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act on 29<sup>th</sup> May, 2021.

In view of such circumstance, we are not in a position to accept the submission made by the learned Advocate for the petitioners. Considering the fact that commercial quantity of narcotic substance was recovered and there are specific restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to release the petitioners on bail.

Prayer for bail is thus rejected.

Since the case is at the stage of trial, the learned Special Judge is requested to dispose of the case expeditiously.

**(Bibek Chaudhuri, J.)**

**(Biswaroop Chowdhury, J.)**