

20.10.2022.
JPD-01
Ct.No.28
S. Banerjee/sb
(Rejected)

C.R.M. (NDPS) 344 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P.S. Case No. 572 of 2019 dated 21.08.2019 under Sections 20(b)(ii)(c)/29 of the N. D. P. S. Act.

In the matter of : Angat Kumar @ Angat Roy and Anr.
... Petitioners

Mr. Moyukh Mukherjee
...for the Petitioners

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Biswarup Roy
...for the State.

It is submitted on behalf of the petitioner that the petitioners are young men of 19 years. There is a dispute as to whether commercial quantity of contraband article was seized from the joint possession of the petitioners and furthermore, mandatory provision of Section 41B of the Code of Criminal Procedure was not adhered to by the Arresting Officer and one constable put his signature on the arrest memo as relative of the accused. The petitioners are in custody for about three years and, therefore, they should be released on bail.

Learned Public Prosecutor-in-charge has raised objection on the ground that previously prayer of the accused persons were rejected. All the points were considered by this court and the application was lastly rejected on 24th August, 2022 by the Division Bench of this Court.

On perusal of the materials on record and a case diary, it is ascertained that prayer for bail of the petitioners was lastly rejected on 24th August, 2022. There is no change in circumstance since then.

Hence we are not inclined to pass any order in favour of the petitioners.

Accordingly, the application for bail is, thus, rejected.

The learned trial court is requested to expedite the trial of the case.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)