

29.09.2023

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rejected

C.R.M.(NDPS) No. 1377 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of NCB Crime No. 21/NCB/KOL/2022 under Sections 8(c) read with Sections 21(c)/29 of the NDPS Act.

And

In Re : Aminur Mondal @ Amin petitioner

Mr. Biswajit Sarkar

... for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. Soumen Bhattacharya

... for the NCB

1. Medical Officer, Dumdum Correctional Home is present in person. She filed affidavit. It is contended inadvertently it had been recorded in her earlier report that the petitioner needed surgical procedure.

2. Learned Counsel for the NCB opposes the bail application.

3. Learned Counsel for the petitioner submits that he was assaulted by inmates in Dumdum Correctional Home and suffered spinal injury. Medical reports indicate treatment has been given to the petitioner and he does not require surgical intervention.

4. Under such circumstances and in view of nature of offence involving possession of narcotics above commercial quantity we are not inclined to grant bail to the petitioner.

5. The application for bail is, thus, rejected.

6. In the light of the submission that petitioner had been manhandled by the inmates at Dumdum Correctional Home we direct the I.G., Prison Administrative, to forthwith shift him to another Correctional Home in and around the city of Kolkata keeping in mind that he is receiving OPD treatment in a teaching hospital in Kolkata.

7. Necessary medical attention shall continue to be extended to the petitioner. In the event his health condition deteriorates he shall be at liberty to renew his bail prayer.

8. Presence of the medical officer is noted and dispensed with.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)