

13.12.2023
Item No.128
Ct. No. 5
CHC
(Rejected)

C.R.M.(NDPS) 1916 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No.**344** of **2022** dated **03.08.2022** under Sections 21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Tutul Sk. & anr.

..... petitioners

Ms. Shabana Hasin

....for the petitioners

Mr. Debasis Roy, Ld. P.P-in-Charge

Mr. Anand Keshari

....for the State

Petitioners renew the prayer for bail.

This is the third application for grant of bail.

Learned advocate appearing for the petitioners submits that, petitioners are in custody for 466 days and therefore, seeks bail.

The period of detention is not the main criteria for grant of bail.

In the facts of the present case, commercial quantity of narcotics were recovered from the house of the petitioners.

There are earlier orders of rejections of not only the prayer for bail but anticipatory bail also.

In one of the rejections of the prayer for anticipatory bail made on behalf of one of the petitioners herein, namely, petitioner no.2, an order dated February 20, 2023 was passed in C.R.M.(A) 586 of 2023 where, the jurisdictional Superintendent of Police was present. The Officer-in-Charge, Hare Street Police Station was directed to lodge a police complaint against the petitioner no.2 for making a false statement in the petition knowing the same to be false.

Learned advocate appearing for the State submits that, the police complaint was registered yesterday pursuant to such order.

The then jurisdictional Superintendent of Police will submit his explanation as to why the order dated February 20, 2023 remained uncomplied with till yesterday. He will do so to his superior.

Let such explanation be submitted by the jurisdictional Superintendent of Police within four weeks from date.

Learned advocate for the State is requested to communicate this order to the then jurisdictional Superintendent of Police for compliance.

So far as the prayer for bail is concerned, the same is rejected in view of the commercial quantity of narcotics being recovered and in view of the petitioners not being able to

overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Prayer for bail of the petitioners is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)