

18.10.2024
GB/srm
Crt. No.8
Sl no. 14
(Vacation Bench)

C.R.M. (NDPS) 1686 of 2024

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 or under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 30.09.2024 in connection with Bagdah Police Station Case No.470 of 2024 dated 23.05.2024 under Section 21(C) of NDPS Act, 1985.

In the matter of : Manjil Mondal

..... Petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... for the Petitioners

Mr. Rana Mukherjee,
Ms. Sujata Das

... for the State

The petitioner was apprehended on 23rd May 2024 by the ambush party of BSF near the India-Bangladesh border, P.S. Bagdah, North 24 Parganas. The quantity of contraband recovered was 150 bottles of Phensedyl of 100 ml. each with specific batch number.

The petitioner says that from the charge-sheet it will be evident that there were several miscreants who were allegedly carrying 'potlas'. The petitioner was arrested without any contraband only because he was found at the locale with a potla left thereat.

The case sought to be made out by the petitioner is a matter of trial. At the stage of granting bail, it is to be looked into as to the prima facie case made out by the petitioner. On reading of the First Information Report, we do not find any convincing story as submitted by the petitioner. It is a case where the petitioner has been apprehended and certain quantities of Phensedyl have been recovered which is admittedly commercial quantity. Whether there were several miscreants or that the petitioner was not

involved with the paddling of the recovered goods, are subject matter of trial and not matter of relevance at the stage for granting of bail.

After hearing the parties and considering the materials of records including the case diary, we do not find any reason to enlarge the petitioner on bail.

The application for bail is, thus, rejected.

Accordingly, CRM (NDPS) 1686 of 2024 is dismissed.

(Arindam Mukherjee, J.)

(Supratim Bhattacharya, J.)