

16.09.2020

Item no. 9

Ct.23

CHC

Rejected

C.R.M. No.6453 of 2020

C.R.A.N.1 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with N.D.P.S. 301 of 2018 corresponding to Berhampore Police Station Case No. 1405 of 2018 dated 17.11.2018 under Sections 20(b)(ii)(c)/29 of N.D.P.S. Act.

And

In the matter of:-

Murtuj Sk @ Murttujo Sekh @ Murtuja

... Petitioner

Mr. Sarwar Jahan,
Mr. Anisur Rahaman

.. for the petitioner

Mr. S. S. Imam,
Mr. Subrato Roy

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned advocate for the petitioner submits that only on the basis of the statement made by co-accused in this case the accused is in custody for over 330 days although he has no role in the commission of the alleged offence.

We have heard Mr. S. S. Imam, learned advocate appearing for the State and considered the memorandum of evidence. He submits that trial has already commenced and out of six accused persons three accused persons are absconding. Petitioner is in the racket. In such circumstances, if the petitioner is released on bail trial may be affected.

Considered the submission made by the petitioner and the State, we are not convinced that the petitioner should be enlarged on bail at this stage.

Prayer for bail of the petitioner is rejected.

CRM 6453 of 2020 and CRAN 1 of 2020 are disposed of.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)