

15.09.2020
(30) KC

C.R.M. 6559 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 470 of 2017 dated 25.06.2017 under Section 20(b)(ii)(c) of the N.D.P.S. Act.

In the Matter of : Sadiqul Islam

.... petitioner.

Mr. Sourav Chatterjee,

Mr. Sagar Saha.....For the petitioner.

Mr. Prasun Kumar Dutta,

Mr. Nirupam Dhali.....For the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner says that the principal witness on the basis of whose testimony the petitioner's fate would be decided, has been declared hostile; as a consequence the entire case against the petitioner has fallen.

According to the State, commercial quantity of contraband was recovered from the person of the petitioner. The prayer has been previously rejected with a direction for expeditious conclusion of the trial. The petitioner says that on or about March 13, 2020 when the trial was last held, a witness who apparently weighed the quantum of contraband did not remember how he weighed the same and was declared hostile. The petitioner says that in the absence of

the commercial quantity being proved or any weight being ascertained, no case is made out against the petitioner.

The trial could not be conducted for the last six months or so because of the pandemic. It is hoped that the trial will be taken up immediately upon the resumption of normal functioning of court. Considering the commercial quantity of contraband allegedly recovered from the petitioner, the prayer for bail is rejected at this stage.

The observations herein are tentative and should not influence the court at the trial.

CRM 6559 of 2020 along with the interim application therein are disposed of.

(SANJIB BANERJEE, J.)

(ANIRUDDHA ROY, J.)