

23.12.2021
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sdas
rejected

CRA 202 of 2020
(CRAN 1 of 2020)
(via video conferencing)

In Re : An application under Section 389 of the Code of Criminal Procedure.

And

In Re : Jasimuddin Sk. appellant

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Dipayan Kundu

Mr. Avinaba Patra

..... for the appellant

Mr. Saibal Bapuli, learned APP

Mr. Arani Bhattacharyya

..... for the State

Learned Counsel appearing for the appellant submits that the appellant has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for suspension of sentence.

Evidence on record particularly that of the official witnesses prima facie disclose recovery of narcotic substance from bags carried by the appellant.

In view of the aforesaid evidence and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to suspend the sentence of the appellant.

Accordingly, the application being CRAN 1 of 2020 is rejected.

Lower court records be called for.

Department is directed to prepare paper books within four weeks upon receipt of the lower court records.

Liberty to mention.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)