

30.09.2021
Item no.50.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No.4336 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No.1184 of 2019 Dated 26.11.2019 under Section 8C read with Section 22C of the NDPS Act

And

In the matter of : Faijul Sk.

.....Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv,
Mr. Amarendra Chakraborty,
Mr. Souma Subhra Roy,
Mr. Tanmoy Chatterjee,
Mr. Safikul Mondalfor the Petitioner.

Mr. Binay Kr. Panda,
Mr. Subham Bhakatfor the State.

This is the third time that the petitioner has approached this Court praying for bail. His earlier prayers were rejected on September 15, 2020 in CRM No.6548 of 2020 and on February 23, 2021 in CRM No.11027 of 2020. He says that he is in custody for about 673 days.

We have considered the material on record. Mr. Basu, learned Senior Advocate appearing for the petitioner, argues on the basis of the Hon'ble Supreme Court's decision in the case of *Nilesh Dinkar Paradkar Vs State of Maharashtra* reported in

(2011) 2 C. Cr. LR(SC) 269 that voice recording is at best a suspect, if not, wholly unreliable piece of evidence.

For the time being, we are not going into the reliability or otherwise of the voice recording. The other material on record are enough for us to come to a prima facie conclusion that the complicity of the petitioner in the alleged offence of dealing in commercial quantity of contraband items cannot be ruled out.

In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail.

C.R.M. No.4336 of 2021 is, accordingly, dismissed.

However, we request the learned Trial Court to frame the charges on the date fixed therefor and generally expedite the trial to the extent possible without granting unnecessary adjournment to either of the parties.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)