

06.12.2021

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rejected

C.R.M. 7790 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 407 of 2021 dated 31.03.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Mohammad Shahid & Anr. petitioners

Mr. Imtiaz Ahmed
Mr. Dev Kishan Nawal
Mr. Ghazala Firdous
Ms. Smita Saha
Sk. Saidullah
Ms. Arunima Mukhopadhyay
Mr. Debopam Roy
... for the petitioners

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee
... for the State

Petitioners are in custody for more than 240 days.

It is submitted by the learned Counsel appearing for the petitioners that the alleged seizure of narcotic substance from the vehicle is doubtful.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses as well as contemporaneous document viz. seizure list prima facie disclose recovery of 150 kgs. of Ganja from a vehicle which was driven by petitioner no. 1 and occupied by petitioner no. 2. Impact of minor variations in the statements of

the witnesses recorded under Section 161 of the Code of Criminal Procedure have to be assessed during trial. However, in view of aforesaid materials on record and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

