

21.12.2021
Item 137
Court No.28.
AB

CRM No. 8585 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No.293 of 2021 Dated 12.3.2021 under Sections 21 (C)/29 of the NDPS Act

And

In the matter of : Rafikul @ KaluPetitioner.

Mr. Amitava Karmakar,
Mr. A. K. Bhowmickfor the Petitioner.

Mr. Saibal Bapuli, Id. APP,
Mr. B. Bhattacharyafor the State.

It is submitted on behalf of the petitioner that the investigation in the instant case has been conducted by an unauthorized officer. He is in custody for nine months.

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

We have considered the materials on record. Seizure of the narcotic substance was effected by a Sub Inspector of Police. Impact of subsequent investigation by another Police Officer below the rank of Sub Inspector of Police has to be assessed in the course of trial. However, in view of the materials on record prima facie disclosing involvement of the petitioner in alleged possession of narcotic substance above commercial quantity and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The prayer for bail is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)