

18.02.2022
Court No.32
Item No. 21
Avijit Mitra

C.R.M.(NDPS) No.57 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Mirajul Sheikh

Petitioner

Mr. Goutam Banerjee,
Mr. Anjan Dutta

For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hogolberia Police Station Case No.245 of 2021 dated 29.10.2021 under section 21(c) of the N.D.P.S. Act.

Mr. Goutam Banerjee, the learned advocate appearing for the petitioner submits that the petitioner is a disabled person who cannot travel without the assistance of an escort and as such, the allegation that contraband substance was recovered from his possession from the place of occurrence is not sustainable. The petitioner had already suffered long incarceration for about 112 days and in the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Swapan Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that 110 bottles of cough syrup were recovered from the possession of the petitioner and as such the statutory restrictions are attracted. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused, at this stage.

However, the prosecution is directed to take immediate steps to obtain the FSL report and the learned Court below is also requested to take up the issue of consideration of charges immediately thereafter without granting any unnecessary adjournments to either of the parties.

The application for bail, being CRM (NDPS) No.57 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)