

25.04.2022

Court No.29
Item No.88
(Rejected)

Saswata

CRM 384 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No. 395 / 2020 dated 21.05.2020 under Sections 21(c)/29 of the NDPS Act;
And

In the matter of : **Sentu Sk.**

...Petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.
Mr. Debangana Bhattacharjee
Ms. Swarnali Saha

...For the Petitioner

Mr. Binay Panda
Mr. Subham Bhakat

...For the State.

The petitioner prays for bail.

Learned senior advocate appearing for the petitioner submits that the raid took place at 22.25 hours. The alleged seizure was not witnessed by any independent witnesses. He submits that the petitioner is the caretaker. The owner of the godown and another person fled away.

Learned advocate for the State submits that the seizure took place between 00.05 hours to 00.45 hours on May 21, 2020. At that material point of time, there were lockdown restrictions. Therefore, considering the lockdown restrictions and the time of the night when the seizure took place, there was no independent witness. He submits that the charges were framed on March 2, 2022 and the next date for recording evidence is May 10, 2022.

Commercial quantity of narcotics was seized from the possession of the petitioner.

Considering the fact that the commercial quantity of narcotics

was seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restriction under Section 37 of the NDPS Act.

The explanation for the absence of independent witness due to lockdown and the time of the night when the seizure took place cannot be brushed aside. Consequently, we are unable to grant bail to the petitioner.

The application for bail being CRM 384 of 2022 is, thus, rejected.

(Debangsu Basak, J.)

(Bibahas Ranjan De, J.)