

07.02.2022

Sl. 42

Court No.29

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(Rejected)

C.R.M. (NDPS) 87 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **17.01.2022** in connection with **Watgunge** P.S. Case No. **8 of 2018** dated **12.01.2018** under Sections **20(b)(ii)(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section **25(1B)** of the Indian Penal Code, 1980 being NDPS Case No. 6 of 2018.

In the matter of: **Sk. Zamiruddin @ Imran.**

....petitioner.

Mr. Mohammad Kairul.

...for the Petitioner.

Mr. Sanjay Bardhan

Mr. Nirupam Dhali

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that there is a material change in circumstances subsequent to the order dated September 30, 2021. He draws the attention of the Court to the certified copy of the charge-sheet. He contends that some of the witnesses of the prosecution are witnesses in other cases. According to him, the witnesses are procured by the prosecution.

Learned advocate appearing for the State submits that initially commercial quantity of narcotic was seized from the possession of the co-accused. The petitioner was arrested. From his leading statement, intermediate quantity of narcotic was seized. He submits that there is hardly any change in circumstances from the earlier order of rejection dated September 30, 2021. He submits that the trial is in progress.

Considering the prima facie finding recorded in the order of rejection dated September 30, 2021 and considering the fact that there is hardly any material change in circumstances subsequent thereto, we are unable to grant bail to the petitioner.

The contention that the witnesses of the prosecution are procured a subject matter of trial.

Consequently, the prayer for bail of the petitioner is rejected.

C.R.M. (NDPS) 87 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

