

08.06.2022.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 540 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.157 of 2020 arising out of Ranitala P. S. Case No.293 of 2020 dated 05.07.2020 under Sections 21(c)/29 of the N. D. P. S. Act.

In the matter of : Rajib Hossain.

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner renews his prayer for bail. He submits no narcotic substance was recovered from his possession.

Learned Senior Government Advocate for the State opposes prayer for bail. He relies on statement of one Rashid Khatoon, wife of the petitioner, who stated that the petitioner along with co-accuseds were trafficking narcotic substance in a pick up track on the date of occurrence. He also relies on statement of one Chameli Bibi, wife of a co-accused in support of his contention.

We have considered the materials on record. Statements of the aforesaid witnesses prima facie disclose role of the petitioner in the conspiracy of trafficking narcotic substance above commercial quantity. These witnesses, however, are close relations of co-accuseds and in spite of their vulnerable

status for the reasons best known to the investigating agency, their statements have not been recorded before Magistrate under Section 164 of the Code of Criminal Procedure. No steps have been taken to protect and preserve the integrity of the said witnesses.

Be that as it may, in view of the aforesaid evidence on record prima facie disclosing involvement of the petitioner in trafficking narcotic substance and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of the opinion that this is not a fit case to grant bail to the petitioner.

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

Trial court is directed to take prompt steps for holding trial with utmost expedition including extending necessary protection to the aforesaid vulnerable witnesses and ensuing their evidence is recorded at the earliest so that they are not won over.

Department is directed to send a copy of this order to the trial court for compliance.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)