

02.6.2022
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SB
Ct. No.5
(Vacation Bench)

CRM (NDPS) 544 of 2022

In the matter of : Rahul Jaiswal

Mr. Suman De

... for the petitioner

Mr. Anindya Sundar Chatterjee ... for the State

Learned counsel appearing on behalf of the petitioner submits as follows. Although it was alleged that a commercial quantity of the contraband was recovered from the joint possession of the petitioner and the other co-accused, the other accused standing on similar footing was granted bail by this Court on 08.12.2021 in CRM No. 6192 of 2021. In fact, there is nothing to show that the present petitioner is the owner of the house and the car in question.

Learned counsel appearing on behalf of the State relies on the case diary and the seizure list and submits as follows. By an order dated 08.12.2021 passed by this Court in CRM 6192 of 2021, this Court had distinguished the roles of the present petitioner and the other co-accused who were being granted bail. While the house and the garage belonged to the present petitioner, the other co-accused were alleged to be casual visitors to the said property. There are statements of independent local witnesses at pages 73 and 74 of the case diary indicating that the house belonged to the present petitioner. A date has been fixed for evidence.

We have heard the submissions made on behalf of the parties and have perused the petition and the case diary.

As was indicated by the Co-ordinate Bench of this Court in CRR 6192 of 2021 in an application filed by a co-accused, “whether the petitioners were casual visitors or were in joint possession of narcotic substance requires to be assessed in the course of trial.” However, it was further recorded that “Seizure was made from the house and garage of one Rahul Jaiswal.” In fact, there are materials present in the case diary to show that the present petitioner was in possession of the house in question. Therefore, it does not appear that the present petitioner is standing on the same footing as the co-accused who were granted bail.

In view of the purported complicity of the present petitioner in this case, the fact that the case is at the stage of trial and considering the restrictions contained in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the application for bail is dismissed.

However, the learned Trial Court is requested to expedite the trial of the case.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Sugato Majumdar, J.)

(Jay Sengupta, J.)