

13.06.2022.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 581 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N-65 of 2020 arising out of Belgharia P.S. Case No.461 of 2020 dated 19.09.2020 under Sections 21(c) of the N. D. P. S. Act.

In the matter of : Md. Munna @ Md. Sahid Ali.

... Petitioner.

Mr. Debasis Kar,
Mr. T. T. Bhadra.

...for the Petitioner.

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Learned Advocate for the petitioner draws our attention to purported discrepancies in the evidence led by the prosecution relating to recovery and nature of seized contraband.

We note from the materials on record, recovery of narcotic substance above commercial quantity was made from the possession of the petitioner. Trial is in progress.

In view of the aforesaid facts, we do not consider it prudent to pre-judge the case by referring to stray strands of evidence which has to be read as a whole at the end of the trial.

Petitioner has also relied on an unreported judgment in CRM 5708 of 2018 wherefrom it appears the accused therein was released on bail since there was allegation that he had been illegally detained and independent witness had not supported the prosecution case. No such plea of illegal

detention has been raised in the present case and the cited case is thus factually distinguishable.

In view of the aforesaid facts and 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.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)