

24.08.2022
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 745 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.06.2022 in connection with Lalgola Police Station Case No.724 of 2021 dated 05.10.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.215 of 2021)

And

In Re: ***Bajlesur Rahaman @ Bajlu @ Mohammad Bajlesur Rahaman***
... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Somnath Adhikary
Mr. S. Das Mahapatra

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Add. Public Prosecutor
Mrs. Sonali Das

... .. for the State

Perused the report of the Superintendent of Police, Murshidabad Police District. It appears from the report that CCTV footages were verified but did not support the allegation of the petitioner. Telephonic recordings were also taken into consideration. From the said recordings as well as statement of the law clerk it does not appear that the Investigating Officer had made demand for illegal gratification. On the other hand, the enquiry report shows that the Investigating Officer viz. SI Balaram Mondal was sought to be influenced on behalf of the petitioner for which steps had been taken against him.

A response in the form of an affidavit is filed to the report. It is contended mobile phone of the petitioner had been taken away by the civic volunteer viz. Halim @ Dalim.

In view of the fact that CCTV footages and the recordings do not support the allegations levelled by the petitioner, we are of the opinion the allegation of threat and demand of illegal gratification is not

prima facie true. On the other hand, materials on record show recovery of narcotic substance above commercial quantity from the possession of the petitioner. It is open to the petitioner to canvass his defence in accordance with law in course of trial. However, in the light of the incriminating materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

Trial court is directed to take prompt steps to consider the issue of framing of charge at the earliest and in the event, charge is framed to take the proceeding to its logical conclusion without any delay.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)