

01.08.2022.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 881 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.21 of 2022 arising out of Ashoke Nagar P.S. Case No.90 of 2022 dated 10.02.2022 under Sections 21(c) of the N. D. P. S. Act.

In the matter of : Sarat Mondal.

... Petitioner.

Mr. Avik Dutta,
Syed Julfikar Ali.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Mousumi Sarkar.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 173 days. He contends alleged recovery was not witnessed by independent persons.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of official witnesses and seizure memorandum show recovery of 10 ltrs. of codeine mixture from the possession of the petitioner. We are not aware of any proposition of law that version of official witnesses is to be ordinarily disbelieved. Failure to join independent witnesses may be explained in course of trial.

In view of the incriminating materials on record and the statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

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

We direct the trial court to consider the issue of framing of charge at the earliest and in the event the charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)