

15.02.2022
Sl. 81
Court No.29
sourav
(Rejected)

C.R.M. 6898 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25.10.2021** in connection with **Suti** P.S. Case No. **392** of **2020** dated **18.08.2020** under Sections **21(c)/29** of Narcotic Drugs and Psychotropic Substances Act arising out of NDPS Case No. 188 of 2020.

And

In the matter of: **Matiur Rahaman**

....petitioner.

Md. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. Apan Saha

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner applied before the jurisdictional court for production of the Closed Circuit Television Footage in order to establish his innocence. The jurisdictional court passed an order on the police authority to produce such footage. It was not done. There is a subsequent order of the jurisdictional court requiring the superior authority of the police to produce such footage. According to the learned advocate for the petitioner, the prosecution is yet to place such footage which will absolve the petitioner of the crime alleged.

Learned advocate appearing for the State submits that the trial is in progress. Commercial quantity of narcotic was seized from the possession of the petitioner.

Considering the fact that commercial quantity of narcotic was seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions

under Section 37 of the NDPS Act, 1985. Whether or not, the petitioner will be absolved of the charges framed against him at the trial by reason of the non-production of the CCTV footage is an issue which is required to be adjudicated at the trial. As a Court considering the prayer for bail of the petitioner, we did not detain ourselves to evaluate the evidentiary value of the respective evidence of the parties at this stage.

Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. 6898 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

