

03.08.2022

Sl. No.6

akd

[Rejected]

C. R. M. (NDPS) 877 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with Lalgola Police Station Case No. 227 of 2019 dated 16.03.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.63 of 2019)

And

In Re: ***Sinanda Mandal***

... .. Petitioner

Ms. Nasreen Islam

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. Independent witnesses have stated on affidavits they were not present at the place of occurrence. No chemical examiner's report has been filed till date.

Learned advocate appearing for the State opposes the prayer for bail and submits statements of independent witnesses supporting the prosecution case were recorded during investigation. Chemical examiner's report has already been collected. Date for recording prosecution evidence has been fixed.

We have considered the materials on record. Statements of witnesses including seizure memo disclose recovery of narcotic substance i.e. 5 ltrs. of *codeine phosphate* from the petitioner in presence of independent witnesses. Purported affidavits relied upon by the petitioner clearly disclose a sinister attempt to win over such witnesses. Date has been fixed for recording prosecution evidence. In view of the aforesaid facts, we are not inclined to grant bail to the petitioner.

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

In the light of the submissions made on behalf of the petitioner with regard to affidavits procured from independent witnesses, Officer-in-charge, Lalgola Police Station shall take immediate steps for ensuring the protection of the independent witnesses till they are examined in court.

Department is directed to send a copy of this order to the Superintendent of Police, Murshidabad as well as Officer-in-charge, Lalgola Police Station for necessary compliance.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)