

22.08.2022.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 939 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.79 of 2021 arising out of Kumarganj P.S. Case No.174 of 2021 dated 29.08.2021 under Section 21(c)/22(c)/23(c) of the NDPS Act.

In the matter of : Amjad Ali Mandal @ Amjad Ali
Mondal @ Babu & Ors.

... Petitioners.

Mr. Kaushik Chaudhury,
Ms. Busra Khatoon.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is contended independent witnesses have not supported the seizure.

Learned Advocate for the State opposes the prayer for bail. He submits official witnesses supported the prosecution case and trial is in progress.

We have considered the materials on record. Official witnesses supported the recovery of narcotic substance above commercial quantity from the possession of the petitioner. Impact of the independent witnesses turning hostile is required to be seen in the light of the other incriminating evidence on record. Trial is in progress.

In view of the aforesaid 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 petitioners.

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

Trial court is directed to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)