

31.08.2022
tkm/ct 28
sl no. 8

C.R.M. (NDPS) 989 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S case no. 222/2021 dated 6.10.2021 under section 22(C) of the NDPS Act

And

In Re : Suman Roy @ Suman Chakraborty @ Hampi
..... petitioner

Mr. Sekhar Kr. Basu, Sr Adv.

Mr. A Basu

Ms. Madhumita Basu

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

..... for the State

Petitioner is in custody for 235 days. It is contended he was released on pre-arrest bail in connection with Chakdah P.S case no. 355 of 2021 dated 5.8.2021. When he went to the court to collect the copy of the order he was illegally arrested and implicated in the present case. He prays for bail.

Learned lawyer for the State opposes the prayer for bail. Statements of witnesses including contemporaneous document i.e. seizure memo prima facie disclose recovery of 58 bottles of phensydle containing codeine phosphate from the possession of the petitioner. Recovery was made in presence of independent witnesses. Refusal of the petitioner to sign the seizure memo is also endorsed thereon. Other issues with regard to legality of search and disposal of narcotic substance in terms of second 52A of the NDPS act require to be assessed in the backdrop of evidence led during trial.

Keeping in mind the aforesaid materials and in view of the statutory restrictions under section 37 of the NDPS, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)