

01.09.2022
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 995 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.08.2022 in connection with Jagacha Police Station Case No. 231 of 2021 dated 25.08.2021 under Section 21(c) of the NDPS Act.

And

In Re: **Sk. Enjamul @ Enjo**

... .. Petitioner

Mr. Santanu Chatterjee
Mr. Rajendra Nandi

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he was in custody at the time of alleged recovery. No independent witnesses supported the recovery.

Learned advocate appearing for the State opposes the prayer for bail and submits prayer for bail of the petitioner was rejected in May, 2022.

We have considered the materials on record. On the leading statement of the petitioner, narcotic substance above commercial quantity was recovered. His prayer for bail was rejected in May, 2022 and there is no change in circumstance since then. Bail order passed in a different case cannot be treated as a binding precedent in the present one. Hence, we are not inclined in granting bail to the petitioner.

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

Trial court is directed to consider the issue of framing of charge at the earliest and in the event, charge is framed to take the

proceeding to its logical conclusion without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)