

26.09.2022

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rejected

C.R.M. (NDPS) No. 1006 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 395 of 2020 dated 21.05.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Nasel Seikh @ Khan ..... petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Debangan Bhattacharjee

Ms. Swarnali Saha

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned senior Counsel appearing for the petitioner submitted no narcotic substance was recovered from his possession. He is not the owner of the godown wherefrom alleged recovery was made.

In view of such submission, we called for a report with regard to the ownership of the godown concerned.

Report submitted by the learned Counsel appearing for the State is placed on record.

From the report it appears the land on which the godown is standing is recorded in the name of one Haji Umed Ali who has since expired. His sons handed over the key of the godown to a land broker viz. Sanaulla Sekh for valuable consideration. Sanaulla Sekh handed over the godown to one Sentu Sk.. Statements of witnesses recorded during further investigation show Sentu Sk. along with the petitioner and one Nur Selim Sk.

@ Mur Selim Sk. used to occupy the godown when the alleged recovery of narcotic substance had been made.

Learned senior Counsel for the petitioner submits Nur Selim Sk. @ Mur Selim Sk. has been granted bail by a co-ordinate Bench of this Court.

Learned Counsel appearing for the State submits evidence collected during further investigation were not available when bail was granted to Nur Selim Sk. @ Mur Selim Sk.

We have considered materials on record. Pursuant to our direction, further investigation was conducted. Statements of local witnesses were recorded which disclose involvement of the petitioner, one Sentu Sk. and Nur Selim Sk. @ Mur Selim Sk. in the crime.

In view of the materials collected in the course of further investigation it cannot be said complicity of the petitioner is founded only on the statements of the co-accuseds before police officer. Hence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We direct the trial court to expedite the trial and conclude the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Personal appearance of the Investigating Officer in Court is noted and dispensed with.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**

