

07.02.2022
Court No.32
Item No. 38
Avijit Mitra

C.R.M. 8818 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sk. Surab @ Mania

Petitioner

Mr. Sambhunath De

For the Petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dankuni Police Station Case No.155 of 2021 dated 31.05.2021 under sections 21(c)/29 of NDPS Act read with sections 25/27 of the Arms Act.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The seizure was conducted in the absence of independent witnesses. In view thereof, false implication of the petitioner cannot be ruled out. He further submits that the petitioner had already suffered long incarceration of 248 days and as such he may be enlarged on bail on any stringent condition more so when, upon completion of investigation chargesheet has been submitted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as well as the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and the seizure was conducted in between 00.05 hours to 00.35 hours. Considering the nature of accusations, the extent of complicity of the petitioner in the alleged offence and as the statutory restrictions are attracted, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No.8818 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)