

26.09.2022.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1090 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.183 of 2022 dated 16.02.2022 under Sections 29/22(c)/27A of the N. D. P. S. Act.

In the matter of : Humayun Sk @ Humayan Sekh.
... Petitioner.

Ms. Minoto Gomes,
Mr. Mounick Ghosh.
...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.
...for the State.

Petitioner is in custody for 222 days. He submits he has been falsely implicated in the instant case. It is also contended CCTV footage at the police station was not produced. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and seizure memorandum disclose recovery of 63 gms of yaba tablets from the petitioner. Recovery was made from the place of occurrence and not at the police station. Non-production of CCTV footage of the police station, therefore, does not affect the credibility of the prosecution case.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)