

03.11.2022.
27.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1275 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.20 of 2021 arising out of Suti P.S. Case No.28 of 2021 dated 19.01.2021 under Sections 20(b)(ii)(c)/29 of the N. D. P. S. Act.

In the matter of : Mithun Majumdar @ Bappa & Ors.
... Petitioners.

Mr. Mrityunjy Chatterjee,
Md. Golam Nure Imrohi,
Mr. Susmigdho Bhattacharyya.
...for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.
...for the State.

Petitioners pray for bail. It is contended independent witnesses did not support the prosecution case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Deposition of official witnesses show recovery of narcotic substance from the joint possession of the petitioners. Prevaricating stance of independent witnesses require to be assessed in the light of the entire evidence on record and cannot be the sole determining factor with regard to the innocence of the petitioners.

In view of the aforesaid circumstances and as trial is in progress, we are not inclined to grant bail to the petitioners.

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

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)