

31.10.2022  
Sl. No.9  
**akd**  
[Rejected]

**C. R. M. (NDPS) 1277 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2022 in connection with Jalangi Police Station Case No. 903 of 2014 dated 08.10.2014 under Section 21(c) of the NDPS Act. (NDPS Case No.294 of 2014)

And

In Re: ***Golam Mostafa @ Golam Mustafa @ Rintu***  
... .. Petitioner

Ms. Sreyashee Biswas  
Ms. Benajir Hasna  
Mr. Aliul Islam

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor  
Mr. Sudip Ghosh  
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that independent witnesses have not supported the prosecution case.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had absconded during trial.

We have considered the materials on record. Depositions of official witnesses recorded in the course of trial support the prosecution case. Impact of the independent witnesses making prevaricating statements during trial requires to be assessed in the backdrop of the entire evidence on record. It is premature to express any opinion on such score at this stage. However, in view of the aforesaid evidence on record and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**

