

27.03.2023.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 505 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.74 of 2022 arising out of Domkal P.S. Case No.151 of 2022 dated 18.03.2022 under Sections 22(C)/25/28/29 of the NDPS Act and under Section 25(1B)(a) of the Arms Act.

In the matter of : Sahinur Sk.

... Petitioner.

Mr. Arnab Chatterjee.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for nine months. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity from the residence of the petitioner. It is contended none of the local witnesses claimed that the premises belonged to the petitioner. We note seizure memorandum describes the place of recovery as the house of the petitioner. The issue being a question of fact requires to be agitated during trial.

Under such circumstances and in view of 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)