

20.02.2023
Sl. Nos.48 &49
tkm

C. R. M. (NDPS) 801 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 07.07.2022 :

A N D

In Re : State of West Bengal

..... Petitioner-State

W I T H

C. R. M. (NDPS) 808 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 07.07.2022 :

A N D

In Re : The State of West Bengal

..... Petitioner-State

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... for petitioner-State [in CRM (NDPS) 801/2022 &
CRM (NDPS) 808/2022

Mr. Ayan Bhattacharyya
Mr. Aniruddha Bhattacharyya
Ms. O Chatterjee

... for opposite parties

Learned lawyer for the petitioner-State submits opposite party nos.1 & 2 are conspirators who are involved in dealing in narcotic substance. Their complicity transpires from the statements of co-accuseds from whom narcotic substance above commercial quantity was recovered. On their leading statement, various chemical compounds which are controlled substance, were recovered. Note book disclosing transactions in narcotics was also recovered. This establishes the prosecution case of conspiracy. Trial court failed to consider the aforesaid facts and enlarged the opposite party nos.1 & 2 on bail.

Learned lawyer for opposite party nos.1 & 2 oppose the prayer for cancellation of bail. It is contended no narcotics was recovered from

them. Possession of controlled substance *per se* is not an offence. Contents of note books are not substantive evidence.

We have considered the materials on record. No narcotics was recovered from opposite party nos.1 & 2. Impact of recovery of controlled substance and note book requires to be assessed during trial. Keeping in mind the aforesaid facts, opposite party nos.1 & 2 were enlarged on bail. We do not find any illegality in the order impugned.

Application for cancellation of bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same at an early date.

Opposite party nos.1 & 2 shall regularly appear before the trial court and participate in the trial. In the event, they fail to do so, trial court shall be at liberty to cancel their bail in accordance with law.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)