

01.08.2023.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1224 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.73 of 2021 arising out of NCB Crime No.13/NCB/KOL/2021 under Sections 8(c)/22(c)/29 of the NDPS Act.

In the matter of : Sanarul Islam @ Sanarul Sk. @ Sanarul.
... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Soubhik Mitter,
Mr. Pranidhi Singh.

...for the Petitioner.

Mr. Arun Kr. Maiti (Mohanty),
Mr. Mayukh Mukherjee.

...for the NCB.

Learned Senior Advocate for the petitioner submits no narcotics was recovered from his possession. Narcotics was recovered from the co-accused who is his brother. On the ground that petitioner lived in the same residence, he has been implicated. There is slow progress in the trial. He renews his bail prayer.

Learned Advocate for the NCB opposes the bail prayer. He submits petitioner and co-accused used to deal in narcotics above commercial quantity. Recovery was made from his brother and petitioner used to reside in the same house. He absconded and did not co-operate with the investigation. His bail prayer was rejected on merits earlier.

We have considered the materials on record. Statement of the brother and other attending circumstances viz., sharing of

common household corroborate the prosecution case that petitioner and the co-accused from whom narcotics was seized, shared common intention with regard to dealing in narcotics. Bail prayer has been rejected earlier on merits. Delay in the matter cannot be wholly attributed to the prosecution.

Hence, we are not inclined to grant bail to the petitioner.

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

We note that delay in the matter is due to non-availability of official witnesses.

Joint Director, Narcotics Control Bureau as well as the court below shall take steps for examination of official witnesses through video linkage, if their attendance cannot be arranged at present due to official commitments.

Copy of the order be sent to the Joint Director, Narcotics Control Bureau as well as the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)