

14.09.2023

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rejected

C.R.M.(NDPS) No. 1524 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 208 of 2022 dated 20.02.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Royel Sk. petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Sandip Chakraborty

Mr. Kaustav Das

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

1. Larned senior Counsel for the petitioner submits he is in custody for more than one years. It is also submitted that there is discrepancies with regard to the place of recovery and the nature or articles recovered. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial is in progress. One witness has been examined. FSL report shows presence of Heroin in the sample.

3. We have considered the materials on record. We have gone through the evidence of PW 1, SI, Sushanta Das. In chief he contended that the prior information was diarised and they went to Srirampur, Kaliachak. Thereafter police force went to Kaliachak Police Station. Then they went to the spot. It cannot be said that the recovery was made at Karliachak and

not at Narayanpur as stated in the seizure list. Narcotic substance was seized from the spot, sealed and sent for FSL examination. FSL report shows presence of Heroin. Change with regard to the character of the article at the time of trial may be due passage of time and absorption of moisture. This issue may be thrashed out during trial. It is not advisable to come to an inference of innocence on the singular evidence of a witness. It has to be appreciated in the backdrop of other evidence and attending circumstances at the conclusion of trial. In view of the aforesaid facts and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. Trial court is directed to conclude the trial as expeditiously as possible preferably within one year from the next date fixed of recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)