

16.11.2023

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rejected

C.R.M. (NDPS) No. 1738 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 950 of 2022 dated 25.07.2022 under Section 21( c) of the NDPS Act and charge-sheet submitted under Sections 21(c )/29 of the NDPS Act.

And

In Re : Jayanta Sarkar ..... petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... for the State

1. Learned Counsel for the petitioner submits he is in custody for over 400 days. It is also submitted independent witnesses did not support the seizure. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Official witnesses have supported the seizure from the petitioner. Seizure was videographed. Independent witnesses admitted their signatures on the seizure list. They were declared hostile and confronted their earlier statements to the police. There is possibility that they had been won over during trial. In view of the aforesaid evidence on record and as the seizure proceeding had been videographed, we are not inclined to grant bail to the petitioner.

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

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**