

15.01.2024.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 78 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.12 of 2022 arising out of Kaliachak P.S. Case No.56 of 2022 dated 14.01.2022 under Sections 21(c)/27A/29 of the NDPS Act and Sections 302/34 of the Indian Penal Code and Sections 27/35 of the Arms Act.

In the matter of : **Samirul Sk. @ Hasur.**

... Petitioner.

Mr. Navanil De,
Mr. Mazhar Hossain Chowdhury.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Trina Mitra.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. He is in custody for more than two years. Accordingly, he renews his bail prayer.

2. Learned Advocate for State opposes the bail prayer. He submits petitioner is a member of a gang who were dealing in narcotics. They fired at the raiding party resulting in death of one of its members. Firearms were recovered from the possession of the petitioner.

3. We have considered the materials on record. Statements of witnesses show petitioner and co-accused had conspired to deal in narcotics. Recovery of narcotics above commercial quantity was made from co-accused at the time of raid. Members of the raiding party was fired and one of whom

died. Firearms were recovered from the possession of the petitioner. Trial is in progress.

4. In view of the gravity of the offence which, if proved, would attract mandatory life imprisonment, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)