

30.04.2024.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 447 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.06 of 2023 arising out of Kaligtanj P.S. Case No.65 of 2023 dated 03.02.2023 under Sections 21(c)/22(c)/27A/29/30 of the NDPS Act.

In the matter of : **Salauddin Shaikh.**

... Petitioner.

Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee.

...for the Petitioner.

Mr. Arindam Sen,
Mr. Pravas Bhattacharyya.

...for the State.

1. Petitioner is in custody for more than a year. He submits that he was not present at the place of occurrence. He has been falsely implicated. He approached this Court under Article 226 of the Constitution of India to preserve vital evidence i.e. CCTV footage in support of his defence. There is also delay in trial. Accordingly, he prays for bail.

2. In response to the aforesaid submission, State has furnished report. Learned Advocate for the State contends petitioner is one of the kingpin in dealing in narcotics. He is implicated in another narcotics case.

3. We have considered the materials on record. Petitioner was apprehended with 985 gms. of heroin. He contends he was not at the spot and has been falsely implicated. Statements of witnesses and contemporaneous document i.e. seizure memorandum proved otherwise. It is open to the

petitioner to improbabilise these materials in course of trial. He has criminal antecedents and is implicated in another narcotics case. Trial has commenced. One witness has been examined in part. On 25th/26th April, 2024 witnesses could not be examined due to absence of presiding officer. Prosecution assures this Court that witnesses shall be present in the course of next schedule and trial shall be completed expeditiously.

4. In view of the aforesaid submission and the materials on record which show involvement of the petitioner in the crime and his criminal antecedents, we do not consider it prudent to release him on bail at present.

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

6. In the event, presiding officer does not join the post, we request the judge-in-charge to record the evidence of the prosecution witnesses and take steps to conclude trial 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.

7. Parties shall co-operate with the trial court and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)