

02.05.2024.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 692 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.26 of 2022 arising out of Baishnabnagar P.S. case No.138 of 2022 dated 10.02.2022 under Sections 21(c) of the NDPS Act and Section 27(A) of Drugs and Cosmetics Act.

In the matter of : **Masiur Sk.**

... Petitioner.

Mr. Wasim Akram.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Rafat Jahan.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Narcotics above commercial quantity was recovered from the petitioner. Trial is in progress. In course of trial, we noticed a peculiar state of affairs that members of the raiding party had not identified the accused.
3. In view of the fact that directions were given upon superior authorities to enquire in this conduct of the members of the raiding party. In view of this aberration, we have reason to believe that these witnesses were won over and did not identify the accused. Malefic influence on remaining witnesses shall increase if petitioner is released on bail.
4. Hence, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)