

26.04.2024

4

sdas
rejected

C.R.M.(NDPS) No. 719 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 176 of 2022 dated 12.05.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Faizul Sk. @ Faijul Sk. & Anr. Petitioners

Mr. Jisan Iqubal Hossain

....for the petitioners

Ms. Minoti Gomes

Mr. Atanu Ghosh

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for about two years. It is also submitted no witness has been examined till date. Accordingly, they pray for bail.

2. Learned Counsel for the State opposes the bail prayer and submits most of the witnesses are BSF personnel. Due to their official duty they could not turn up.

3. We have considered the materials on record. 150 bottles of phensedyl syrup were recovered from the petitioners. In *Bibekananda Pramanik vs. State of West Bengal & Ors.*¹ this Court directed officials who are posted at far off places may be examined through video conferencing. We fail to appreciate why technology was not adopted to examine the official witnesses.

¹ 2017 SCC OnLine Cal 14908

Prosecution is directed to resort to video conferencing for examination of the BSF personnel.

4. With this direction application for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)