

03.05.2024.
05.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 726 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.95 of 2022 arising out of Rajarhat P.S. Case No.217 of 2022 dated 19.06.2022 under Sections 22(c)/25/28/29 of the NDPS Act and charge sheet submitted under Sections 22(c)/25/28/29 of the NDPS Act.

In the matter of : **Sajahan Sardar @ Sahajan Sardar.**
... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. S. Das Mahapatra,
Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Ms. Paramita Sahu.

...for the State.

1. Petitioner is in custody for 493 days. He submits he was not present in the truck wherefrom 9000 bottles of phensedyl syrup were recovered. Pursuant to statement of co-accused he was arrested. It is alleged on his leading statement further recovery of 900 bottles was made. No independent witness was present during alleged recovery. Only one witness has been examined till date. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends recovery was made from his residence. Videography was also done.

3. We have considered the materials on record. On the leading statement of the petitioner 900 bottles of phensedyl syrup were recovered from his residence. It is contended there was no independent witness. Seizure was made around 1.45 AM and was videographed.

4. In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner.

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

6. Trial court is directed to conclude the trial as expeditiously as possible preferably within 18 months from the 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.)