

19.06.2024
Item no.50.
Court No.28.
AB
(Rejected)

CRM (NDPS) 954 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.798 of 2022 dated 11.10.22 under Sections 20b(ii)c/25/27A/29 of the NDPS Act

And

In the matter of : Md. Salam

.....Petitioner.

Mr. Amitava Karmakar
Mr. A. K. Bhowmickfor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Mr. Koushik Kundufor the State.

The petitioner says that he has been falsely implicated in this case. He is in custody for one year and eight months. There are major lacunae in the seizure procedure adopted by the State. The process of seizure was not video-graphed. The video-grapher has not been named as a witness in the charge sheet. The prosecution is bound to fail.

Learned Advocate for the State strongly opposes the prayer. He says that two out of eleven witnesses have already been examined. There is adequate incriminating material against the petitioner. He says that if there is any procedural impropriety insofar as seizure is concerned, the petitioner can take advantage thereof at the trial.

We have considered the rival contentions of the parties. If the petitioner can point out major loopholes in the seizure procedure, naturally he will be at liberty to take advantage of the same at the trial. Presently, however, we prima facie find sufficient material incriminating the petitioner. Therefore, we are not inclined to allow the petitioner's prayer for bail keeping in mind the restriction in Section 37 of the NDPS Act.

The prayer for bail stands rejected.

CRM (NDPS) 954 of 2024 is dismissed.

However, in view of the lengthy detention of the petitioner, we direct the learned Trial Court to expedite the trial and bring the same to its logical conclusion at the earliest and definitely within a period of six months from the next date fixed for recording of evidence.

Let this order be communicated by the parties to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)