

11.07.2024
Item no.44.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1089 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Afroz Khan.

.....Petitioner.

Mr. Tapas Kr. Ghosh,
Mr. Tanmoy Chowdhury,
.....for the Petitioner.

Mr. Saibal Bapuli, Ld. APP,
Ms. Jonaki Saha,
...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned counsel appearing for the petitioner submitted that the petitioner has been in custody for 68 days. Investigation is yet to be completed. He has been falsely implicated in this case due to police atrocities. He may be granted bail on any condition. He further submitted that nothing was recovered from his possession. The incriminating articles were allegedly recovered from a tenanted room of the petitioner which he surrendered long before the initiation of this case.

Learned counsel for the State opposes the prayer for bail by saying that there are sufficient incriminating materials against the present petitioner. The seizure list shows that the incriminating articles were recovered from the concerned room

on the basis of the leading statement of the present petitioner. As the investigation is not complete, the prayer for bail should be rejected.

We find that there is a seizure list showing that incriminating materials have been recovered from the tenanted room of the petitioner. However, the petitioner has been unable to show that he surrendered the said room before the initiation of this case. Considering the prima facie materials, the stage of the investigation and keeping in mind the restriction in Section 37 of the N.D.P.S. Act, we are not inclined to allow the prayer for bail of the petitioner, at this stage.

CRM (NDPS) 1089 of 2024 is dismissed.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)