

09. 21.01.2025
Court
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1906 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hili P.S. Case No. 144/2023, dated 17.8.2023.

And

In the matter of: - **Amal Barman @ Amul Barman**

...petitioner.

Mr. Arnab Chatterjee

...for the petitioner.

Mr. Madhusudan Sur, APP

Ms. Rita Datta

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has no connection with the alleged crime of dealing in drugs. There was no recovery from him. He has been implicated on the basis of statements made by co-accused persons which are inadmissible in law. He is in custody for 140 days. He further says that the independent witnesses do not support the prosecution case. He prays for bail.
2. Opposing the prayer for bail, learned Additional Public Prosecutor points out that there are Call Details Records (CDRs) connecting the petitioner to the prime accused. Trial is in progress in full throttle. Three witnesses out of 11 charge-sheet named witnesses have already been examined. In view of commercial quantity of contraband items being involved, bail should not be granted.

3. We have considered the rival contentions of the parties. We see that the trial is progressing at a very fast pace. It is up to the learned Trial Court to assess and evaluate the evidence. It is not that without the support of the independent witnesses the prosecution cannot secure conviction under any circumstances.
4. In view of the aforesaid and in view of commercial quantity of contraband items being involved and the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail, at this stage. The prayer for bail is rejected.
5. The application being CRM (NDPS) 1906 of 2024 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)