

Order No. 27 Dated 21.01.2023

Today is fixed for hearing of the bail application filed on behalf of accused Lalit Kumar on 18.01.2023.

Perused the impugned application as well as other materials on record.

Heard the Ld. Counsel for the defence as well as the Ld. Counsel for the prosecution.

The Ld. Counsel for the defence has agitated before the court that the accused person is innocent and has been falsely implicated in this case. It is said that the accused person is in custody since 11.06.2021. Last but not least it is alleged that a co-accused namely Kalu Charan Prodhan has been granted bail by the Hon'ble Court and that similar benefit may be extended to the present accused person.

The Ld. Counsel for the NCB has vehemently opposed the prayer for bail of accused Lalit Kumar on the ground that the contraband of 357 kgs of ganja was recovered from the conscious possession of the present accused person, who had disclosed that the said consignment has been arranged by co-accused Kalu Charan Prodhan.

Unlike Lalit Kumar, no ganja was recovered from the possession of Kalu Charan Prodhan. Even the Hon'ble Court has in its order dated 05.01.2023 passed in CRM(NDPS) 1540 of 2022, granted bail to accused Kalu Charan Prodhan since his nexus with the present petitioner was not palpable. In other words, there is no reason to hold that the accused Lalit Kumar is the prime accused in this case, from whose conscious possession 357 kgs of ganja has been seized and he is certainly not in the same footing as the other accused person. Admittedly, the accused person is in custody for more than an year and half. However, final complaint along with FSL report has already been submitted and the trial of this case is held up for the sole reason that another accused Bapuni Mehena has not been arrested so far. Ld. Counsel for the NCB has also invited the attention of the court towards the criminal antecedent of the accused/petitioner, from which it can be said that there is no plausible reason for the court to hold that the accused person is innocent, or that there is no possibility of him committing in the same similar

feature. Considering all such facts and circumstances, coupled with the rigors of section 37 of the NDPS Act this court opines that the accused Lalit Kumar is not entitled to bail at this stage. Accordingly, bail application dated 18.01.2023 filed on behalf of accused Lakit Kumar is considered and rejected.

To date (09.02.2023)

Dict & corrected by me.

SPJ

Judge, Special Court -Cum-
Additional Sessions Judge,
3rd Court, Howrah.