

9.4.2021

Accd Arabinda Pandey and Debabrata Roy @ Sanju are produced from J.C. they both are taken into custody and remanded to J.C.

One bail petition filed on behalf of both the accd persons and ld. Counsel moves the same.

Copy served. Objection raised.

It has been submitted that both the accd persons are innocent and has been booked in a case where mandatory provisions are not been followed and such lacuna would definitely cause failure of the case ultimately and it has been settled principle of law that whe a case appears to be defective on the face of the same as well as in view of documents available on record, the accd person is entitled to bail since the liberty of the accd person cannot be curtailed in a case which liable to be failed in course of time.

Ld. P.P has vehemently objected the prayer for bail and submitted that the case inviolves commercial quantity and lacune in the prosecution case shall be the subject matter of trial and bail cannot be accorded at the initial stage considering defects in the prosecution case which may be accepted as irregular and law is also settled that minor discrepancies in prosecution case shall not constitute fatal in any way whatsoever.

Considering the entire aspect of the matter, having hd both sides as well as perusing the materials on record available and further considering the nature and gravity of the offence as well as bar to bail under NDPS Act, this court is not inclined to grant bail to either of the accd persons.

Hence the prayer for bail stands rejected.

To 23.4.21 for production and I.O report.

D/corr by me,

4th ASJ, Alipore.
(J.O Code—WB00729).