

08.11.2021

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rejected

C.R.M. 2428 of 2020
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Case No. N- 84 of 2019 dated 28.05.2019 under Sections 8(c)/12/22(c)/24 of the NDPS Act.

And

In Re : Prosenjit Banerjee petitioner

Mr. Jayanta Samanta
Ms. Karunamoyee Samanta
... for the petitioner

Mr. Y. J. Dastoor
Mr. Phiroze Edulji
... for the NCB

Learned Counsel appearing for the petitioner prays for bail. He submits that the petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the NCB opposes the prayer for bail.

We have considered the materials on record. Prima facie materials disclose involvement of the petitioner in the alleged possession of narcotic substance above commercial quantity. In view of the aforesaid fact and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

As the petitioner is in custody for more than two years, we direct the trial court to take steps for conclusion of trial at an early date preferably within one year from the date fixed for

recording evidence without granting unnecessary adjournment to either of the parties.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)