

08.11.2021
Sl. No.51
sp
[Rejected]

C. R. M. 3228 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.04.2021 in connection with Minakhan Police Station Case No.260 of 2020 dated 05.12.2020 under Sections 21(c)/29 of the NDPS Act. (N Case No.242 of 2020)

And

In Re: ***Sekh Habibur & Anr.***

... .. Petitioners

Mr. Safdar Azam. Advocate

... .. for the petitioners

Mr. Sarjati Datta, Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 21(c)/29 of the NDPS Act.

It is submitted on behalf of the petitioner that the petitioner is in custody for eleven months. It is further submitted that he has been falsely implicated in the instant case.

We have considered the materials on record. Statements of witnesses as well as the seizure memo, disclose prima facie recovery of 9 litres of Codeine mixture from the possession of the petitioner.

Under such circumstances and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

Trial court is directed to expedite the trial at an early date preferably within a period of one year from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)

