

08.11.2021  
tkm/ct 28  
sl no. 119

**C.R.M. 7047 of 2021**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Swarupnagar P.S case no. 31/2019 dated 21.1.2019 under section 21(c) of the NDPS Act

And

In Re : Baidnath Saha @ Baidyanath Saha ..... petitioner

Mr. S Ahmed  
Mr. H Saha Poddar  
Mr. S Sarkar

..... for the petitioner

Mr. S Bardhan  
Mr. P C Majhi

..... for the State

Petitioner is in custody for two year and ten months. It is submitted on behalf of the petitioner that there is no independent witness to the seizure of narcotic substance i.e. 25 bottles of phensedyl syrup by BSF personnel from the petitioner.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was apprehended with 25 bottles of phensedyl syrup by BSF personnel. Thereafter, the petitioner along with contraband was produced before the police station.

We have considered the materials on record. Statement of BSF personnel along with the seizure memo prima facie establish the alleged possession of narcotic substance above commercial quantity from the petitioner. Nothing is placed on record to show any inimical relationship between the petitioner and the BSF personnel. Truthfulness or otherwise of their statements may be gone into in the course of trial. However, in view of the aforesaid materials and the statutory restriction under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

Trial court is requested to proceed with the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed before it for recording evidence without unnecessary adjournment to either of the parties.

**(Aniruddha Roy, J.)**

**(Joymalya Bagchi, J.)**