

28.03.2022
Sl. 61
Court No.29
sourav
(Rejected)

C.R.M. (NDPS) 276 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **NDPS** Case No. **100** of **2021** arising out of **NCB** Crime No. **18/NCB/KOL/2021** under Sections **25A/28/29** of the NDPS Act.

And

In the matter of: **Muklesur Rahman @ Eliash & Anr.**

....petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Mr. Kalyan Kumar Bhattacharyya,
Ms. Rajnandini Das,

...for the petitioners.

Mr. Y. J. Dastoor, Ld. ASG,
Ms. Mary Datta,

...for N.C.B.

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that the contraband seized is neither a narcotic nor a psychotropic substance within the meaning of the NDPS Act, 1985. Both the petitioners are in custody for varying periods in excess of 275 days. The police filed charge-sheet and, therefore, further detention of the petitioners are not required. Moreover, from the petitioner no. 2 no recovery was made.

Learned Additional Solicitor General appearing for NCB submits that the contraband seized from the petitioners are used for the manufacture of heroin. He submits that 150 liters of acetic anhydride was recovered from the petitioner no. 1. There are call details recording between the petitioner no. 1 and petitioner no. 2.

The prayers for bail of the petitioners were rejected on October 7, 2021 passed in CRM 5670 of 2021.

There is hardly any material change in circumstances subsequent to the earlier order of rejection.

The Court is informed that the prosecution is likely to examine eight witnesses.

In such circumstances, it would be appropriate to request the Court in seisin of the trial to dispose of the trial as expeditiously as possible. Such court is also requested to fix consecutive dates for trial

and endeavour to adhere to the same. Such court is also requested not to grant any unnecessary adjournments to any of the parties.

In such circumstances, the prayer for bail of the petitioners is rejected.

C.R.M. (NDPS) 276 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

