

CRM (NDPS) 523 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **20.5.2022** in connection with **Baduria** Police Station Case No. **344** of **2021** dated **26.6.2021** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Md. Azharuddin Mondal @ Kochi**

....petitioner.

Mr. Angshuman Chakraborty

...for the petitioner.

Mr. Bidyut Kumar Ray

Ms. Rita Dutta

... for the State.

The learned advocate appearing on behalf of the petitioners submits that from the contention of the accused persons as well as the facts borne out by the records, they are not involved in the alleged offence.

The learned advocate appearing on behalf of the State, however, opposes the prayer of the petitioners specifically on the basis of the chemical analysis report of the contraband articles seized in the case, which reflects that “the sample (Exhibit A1)” contends codeine phosphate and hence comes under the purview of the NDPS Act, 1985.

It appears that the trial is yet to be commenced in the case.

Be that as it may, considering the materials available in the case diary, strong prima facie materials are seen against the petitioners which do not entitle them to an order as prayed for.

Hence, we are not inclined to grant bail.

Accordingly, CRM (NDPS) 523 of 2022 is rejected.

However, the learned trial court is requested to expedite the trial of the case.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)