

13.06.2022.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 580 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.109 of 2019 arising out of Lalgola P.S. Case No.449 of 2019 dated 02.07.2019 under Sections 21(c)/29 of the N. D. P. S. Act.

In the matter of : Md. Jakariya @ Md. Jakaria @ Apple.
... Petitioner.

Mr. Sourav Chatterjee,
Mr. Arnab Saha,
Mr. A. Banerjee.

...for the Petitioner.

Mr. Ranabir Ray Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Learned Advocate for the petitioner draws our attention to the purported discrepancies in the evidence led by the prosecution relating to recovery and nature of seized contraband.

We note from the materials on record that recovery of narcotic substance above commercial quantity was made from the possession of the petitioner. Trial is in progress.

In view of the aforesaid facts, we do not consider it prudent to pre judge the case by referring to stray strands of evidence which has to be read as a whole in conclusion of the trial.

In view of the aforesaid facts and the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of

the opinion that this is not a fit case to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, we direct the trial court to expedite the trial and conclude the same as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)