

14.07.2022.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 782 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.78 of 2020 arising out of Chapra P.S. Case No.468 of 2020 dated 20.11.2020 under Sections 21(c)/29 of the N. D. P. S. Act.

In the matter of : Naib Ali Mondal @ Nayeb.

... Petitioner.

Mr. Prabir Majumder.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 18 months. He submits he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner and the other accused persons were involved in dealing in narcotic substance across international border. 193 bottles of phensedyl syrup was recovered from the possession of the petitioner.

We have considered the materials on record. 193 bottles of phensedyl syrup was recovered from the possession of the petitioner. He was arrested from the spot. Co-accuseds (who are on bail) were not arrested from the spot and in view of the extent of their complicity which is based on the statement of

the petitioner alone, we are of the view they do not stand on the same footing with the petitioner.

Keeping in mind the aforesaid incriminating materials on record and statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)