

28.07.2022.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 848 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.71 of 2021 arising out of Gaighata P.S. Case No.438 of 2021 dated 23.05.2021 under Sections 188/379/411 of the Indian Penal Code and Sections 21(c) of the N. D. P. S. Act.

In the matter of : Sujay Sarkar.

... Petitioner.

Ms. Riya Das.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 424 days. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memo show recovery of 94 bottles of phensedyl syrup containing codeine mixture above commercial quantity from the possession of the petitioner.

In view of the aforesaid 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.

However, 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.)