

18.08.2022
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 933 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.08.2022 in connection with Islampur Police Station Case No. 208 of 2021 dated 31.07.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.159 of 2021)

And

In Re: ***Kawsar Khan @ Khan Kausar & Anr.***

... .. Petitioners

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Sreeparna Das

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 383 days. It is further submitted there is slow progress in the trial of the case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 222 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioners. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioners.

The application for bail is thus **rejected**.

Trial court is directed to take steps for consideration of charge at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

