

23.08.2022
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 950 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2022 in connection with Raghunathganj Police Station Case No.24 of 2021 dated 14.01.2021 under Sections 21(c)/25/28/29 of the NDPS Act. (NDPS Case No.16 of 2021)

And

In Re: **Montu Sk.**

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Diptangshu Basu
Ms. Suchismita Dutta
Ms. Pranidhi Singh

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner and his wife in conspiracy with others were dealing in narcotic substance. He further submits narcotic substance i.e. 1100 gms. of *Heroin*, which is above commercial quantity, and controlled substances were recovered from the residence of the petitioner.

We have considered the materials on record. Recovery of narcotic substance above commercial quantity was made from the residence of the petitioner. It is strenuously contended petitioner was in judicial custody in connection with another case at the time of recovery. Prosecution case is one of conspiracy and there are materials to show that the residence of the petitioner was used to store and manufacture

narcotics. Whether petitioner had requisite knowledge with regard to the dealing of narcotic substance in his residence is an incriminating circumstance which he required to rebut in view of Section 35 of the NDPS Act. In the light of the aforesaid discussion and the incriminating materials on record, we are not inclined to grant bail to the petitioner.

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

We are informed date has been fixed for recording prosecution evidence. Accordingly, we direct the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)