

28.09.2022.
07. SL
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1111 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.85 of 2020 arising out of Bhimpur P.S. Case No.315 of 2020 dated 20.12.2021 under Sections 21(c) of the NDPS Act.

In the matter of : Nasiruddin Molla.

... Petitioner.

Mr. P. Majumder.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. A. Basu.

...for the State.

Petitioner is in custody for two years. Co-accuseds are on bail. 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 show recovery of 24 bottles of phensedyl syrup containing codeine phosphate which is above commercial quantity from the possession of the petitioner. Co-accuseds who have been enlarged on bail do not stand on the same footing with the petitioner.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS 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 preferably within one year from the

next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)