

31.10.2022
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1276 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2022 in connection with Singur Police Station Case No. 73 of 2020 dated 09.03.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.17 of 2020)

And

In Re: ***Asraful Islam***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Benajir Hasna
Mr. Aliul Islam

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Pramanick

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 789 days. It is further submitted no narcotic substance was recovered from his possession.

Learned Additional Public Prosecutor opposes the prayer for bail and submits owner of the vehicle which was used to transport narcotic substance had authorised the petitioner to ply the same.

We have considered the materials on record. Authorisation letter pertaining to the vehicle used for transporting narcotic substance executed in favour of the petitioner was seized during investigation. This circumstance prima facie establishes involvement of the petitioner in the transportation of narcotic substance above commercial quantity. Prayer for bail of the petitioner was rejected earlier on merits. 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.

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

However, in view of the protracted period of detention suffered by the petitioner, we direct the trial court to conclude the trial 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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)