

25.11.2022

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rejected

C.R.M. (NDPS) No. 1387 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 97 of 2020 dated 17.02.2020 under Section 21(c) of the NDPS Act.

In the matter of : Samiran Sarkar ... petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
...for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas
....for the State

Learned Counsel appearing for the petitioner submits he is suffering from ailment. He is not being produced before the trial court. As a result there is delay in trial. Accordingly, he prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial has commenced and three witnesses have already been examined.

We have considered the materials on record. There are ample materials showing recovery of narcotic substance above commercial quantity from the possession of the petitioner. Trial is in progress.

In view of the aforesaid circumstances and 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.

We, however, direct the Correctional Home Authorities to extend medical treatment to the petitioner as and when necessary. If the petitioner is unable to appear before the trial court he shall be produced through video linkage before the trial court and the trial be concluded expeditiously.

Copy of the order be sent to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)