

30.11.2022.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1414 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajapur P.S. Case No.101 of 2021 dated 16.04.2021 under Sections 20(b)(ii)(c) of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Prakash Rout.

... Petitioner.

Mr. Somnath Roy Chowdhury,
Mr. Arpita Chowdhury.

...for the Petitioner.

Mr. Rudradipta Nandy,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for 654 days. He submits alleged seizure is illegal as provision of Section 50 of the NDPS Act had not been complied with. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. 63 kgs. of ganja were recovered from a Bollero pick up van. Applicability of Section 50 of the NDPS Act in the aforesaid factual matrix requires to be assessed during trial. Trial has already commenced.

Under such circumstances, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

We direct the trial court to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)