

19.12.2022

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rejected

C.R.M. (NDPS) No. 1433 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with 134 of 2021 arising out of NCB Crime No. 79/NCB/Kol/2021 dated 25.11.2021 under Section 8(c) read with Sections 21(c)/28/29 of the NDPS Act.

And

In Re : Surajit Das & Anr. petitioners

Mr. Sourav Bose
Mr. Kaustab Basu

... for the petitioners

Mr. Dipankar Dandapath
Mr. Sagar Saha

... for the UOI

Learned Counsel appearing for the petitioners submits they are in custody for 390 days. It is also submitted that there is violation of statutory provisions relating to search and seizure. Petitioners pray for bail.

Learned Counsel appearing for the Union of India opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of narcotic substance above commercial quantity from the possession of the petitioners. Impact of alleged breach of statutory provisions, if any, requires to be assessed in the course of trial. 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 petitioners.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)