

06.02.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 73 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with NDPS Case No.45 of 2020 arising out of NCB Crime No.16/NCB/Kol/2020 under Sections 8(c)/20(b)(ii)/21(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Rajen Mishra***

... .. Petitioner

Mr. Debasis Roy
Mr. Anirban Dutta
Mr. Abhra Jena

... .. for the petitioner

Mr. Kallol Mondal

... .. for the UOI

It is submitted on behalf of the petitioner that he is in custody for over 800 days. It is further submitted intermediate quantity of *codeine phosphate* i.e. 400 millilitres and 100 gms. of *Charas* (small quantity) were recovered from his possession.

Learned Advocate for the NCB opposes the prayer for bail and submits petitioner is the employer of co-accused viz. Ashim Roy from whom 11.180 kgs. of *Charas* was recovered. There are ample materials implicating the petitioner in the conspiracy of illicit transportation of *Charas*.

We have considered the materials on record. NCB officials apprehended Ashim Roy, an employee of the petitioner. He had concealed 11.180 kgs. of *Charas* inside antique articles. From the statement of Ashim Roy, further recoveries were made from the petitioner. Materials on record show Ashim Roy is an employee of the petitioner. Telephonic conversations between the two corroborate such fact. There are ample materials implicating the petitioner in the conspiracy to transport narcotic substance in a surreptitious manner.

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**.

Trial court is directed 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 unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)