

10.02.2023

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rejected

C.R.M.(NDPS) No. 166 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 500 of 2020 dated 06.10.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Mithun Ray petitioner

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Mr. Rajashree Tan

... for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

.... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that charge has been framed without considering the chemical examiner's report.

Learned Counsel for the State opposes the prayer for bail and submits chemical examiner's report. Report is placed on record.

Report shows presence of Ganja in the seized sample. In view of the aforesaid incriminating circumstance and other materials on record, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Date has been fixed for recording evidence. Accordingly, trial court is directed to conduct the trial expeditiously and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)