

15.02.2023
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rejected

C.R.M. (NDPS) No. 269 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 57 of 2020 dated 26.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Minarul Sekh @ Monirul Sardar petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
... for the petitioner

Mr. Antarikhya Basu
... for the State

Learned Counsel for the petitioner submits he is in custody for two years and ten months. It is also submitted that there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and contemporaneous documents show recovery of 225 bottles of phensedyl syrup containing codeine phosphate from the possession of the petitioner. Trial has already commenced. Under such circumstances and in view of 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 or recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)