

16.02.2023
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rejected

C.R.M. (NDPS) No. 281 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 494 of 2020 dated 28.06.2020 under Sections 18(b)/29 of the NDPS Act.

And

In Re : Pradip Kumar Mahato petitioner

Mr. Amitabha Karmakar

Mr. Arup Bhowmick

... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... for the State

Learned Counsel for the petitioner submits he is in custody for two years and eight months. He is suffering from cardiac ailments. 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. There are materials showing recovery of 2.6kgs. of opium from the possession of the petitioner. Trial is in progress. 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 without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)