

21.03.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 433 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 44 of 2019 arising out of S.T.F. P.S. Case No.40 of 2019 dated 07.11.2019 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Nong Yaimayun Riyajuddin.
... Petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.
...for the State.

Petitioner is in custody for more than three years. He submits he has been falsely implicated. There is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. One witness has already been examined. Total recovery is over 17 kgs. of yaba tablets from petitioner and co-accused.

We have considered the materials on record. Initially, 11.432 kgs. of amphetamine commonly known as yaba was recovered from co-accused. On the statement of co-accused, complicity of the petitioner has transpired i.e. 6.5 kgs. of yaba was recovered from him. The aforesaid materials prima facie show pre-concert between petitioner and co-accused in trafficking of narcotics above commercial quantity. Trial is in progress and one witness has already been examined.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

We request the trial court to conclude the trial as expeditiously as possible 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.)