

23.03.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 472 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2023 in connection with Berhampore Police Station Case No.222 of 2021 dated 05.03.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No. 43 of 2021)

And

In Re: ***Ashok Chakraborty & Ors.***

... .. Petitioners

Mr. Somnath Adhikary

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about two years.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 120 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioners. Trial has considerably progressed. 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 petitioners.

The application for bail is thus rejected.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

