

17.04.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 764 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak PS Case No.383 of 2021 dated 05.04.2021 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Mobarak Sk.

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Sovan Dasgupta.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than two years. He renews his bail prayer.

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

We have considered the materials on record. Narcotics substance i.e. 262 grams of brown sugar was recovered from the petitioner. His bail prayer was rejected earlier on merits. He does not stand on the same footing with co-accused who has been enlarged on bail as no narcotics have been recovered from the said accused. 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.

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.)