

21.04.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 824 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.04.2023 in connection with Bagdah Police Station Case No.836 of 2021 dated 03.12.2021 under Section 21(c) of the NDPS Act.

And

In Re: ***Bablu Halder***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Bail prayer of the petitioner was turned down by the Hon'ble Apex Court in January, 2023. The Apex Court observed petitioner would be at liberty to renew his bail prayer if there is change in circumstance or delay in trial. Only a couple of months has expired since then. Matter is fixed for prosecution evidence. There are ample materials showing recovery of narcotics i.e. 500 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. In this factual matrix, we are of the opinion petitioner is unable to make out a case of bail either on merits or on the ground of inordinate delay in trial. Hence, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

