

21.04.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 825 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Bhabanipur Police Station Case No.73 of 2020 dated 27.06.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Imran Khan & Anr.***

... .. Petitioners

Mr. Amal Krishna Samanta

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about three years. It is further submitted there is inordinate delay in trial. Petitioners have been falsely implicated. Accordingly, they pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits over 6 kgs. of *codeine phosphate* was recovered from the residence of petitioner no.1. Petitioner no.2 and other co-accused were present in the house. Two witnesses have already been examined.

We have considered the materials on record. Bail prayer of petitioner no.2 was rejected earlier on merits. There are ample materials showing involvement of the petitioners in dealing in narcotics above commercial quantity. Trial has commenced and two witnesses have already been examined. 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.

We direct the trial court to conduct the trial with utmost expedition and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)