

24.04.2023.
23.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 848 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS 120 of 2021 arising out of English Bazar P.S. Case No.1556 of 2021 dated 10.11.2021 under Sections 21(c)/29/27A of the NDPS Act.

In the matter of : Moni sk. & Ors.

... Petitioners.

Mr. Kalidas Saha.

...for the Petitioners.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta,
Mr. Bitasok Banerjee.

...for the State.

Petitioners are in custody for 530 days. They submit there is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits co-accused have absconded which contributed to the delay.

We have considered the materials on record. Narcotics above commercial quantity was recovered from the joint possession of the petitioners and co-accused. No narcotics was recovered from the co-accused who are on bail. They do not stand on the same footing with the petitioners.

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 petitioners.

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

Charge be framed at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)