

27.04.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 879 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.04.2023 in connection with Kaliachak Police Station Case No.542 of 2020 dated 10.07.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Md. Manirul Sk.***

... .. Petitioner

Mr. Avinaba Patra
Mr. Partha Sarathi Das

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. Accordingly, he prays for bail.

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. 258 gms. of *Heroin*, which is above commercial quantity from the petitioner. His bail prayer was rejected earlier on merits. Trial is in progress. 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 petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

