

01.05.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 896 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.04.2023 in connection with Kaliachak Police Station Case No.988 of 2021 dated 15.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Md. Israil Momin @ Md. Esrail Momin***

... .. Petitioner

Ms. Minoti Gomes
Mr. Mounick Ghosh

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year. 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. 400 gms. of *brown sugar*, which is above commercial quantity from the petitioner. 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.)

