

19.07.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 1280 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Bagdah Police Station Case No.391 of 2022 dated 28.05.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.N-73 of 2022)

And

In Re: ***Nasiruddin Biswas***

... .. Petitioner

Mrs. Nasra Ali Rahman

... .. 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 a year. It is further submitted he has lost his eyesight. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits similar issue was agitated before the Hon'ble Apex Court but the bail prayer was turned down in May, 2022.

We have considered the materials on record. There are ample materials showing recovery of 1542 pieces of *Yaba* tablets from the joint possession of petitioner and co-accused. Hence, he is not entitled to bail on merits.

With regard to the plea of bail on the ground of health, we note that the issue was considered and turned down by the Hon'ble Apex Court. Hence, we are not inclined to grant bail to the petitioner on that score.

The application for bail is thus rejected.

Trial court is directed to ensure adequate medical treatment is extended to the petitioner while he is in custody.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)