

31.08.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1408 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.69 of 2022 arising out of Bhatpara P.S. Case No.421 of 2022 dated 06.06.2022 under Section 21(c) of the NDPS Act.

In the matter of : Sk. Sahabaz.

... Petitioner.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Sikander Ansari.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record. From the report, it appears petitioner was diagnosed with Hodgkin's Lymphoma and had undertaken multiple cycles of chemotherapy followed by Autologus Bone Marrow Transplant in 2019. Presently, petitioner requires monitoring to diagnose the relapse of disease.
3. We have considered the materials on record including the report. Materials on record show health condition of the petitioner is not so serious that his treatment cannot be made from the Correctional Home. Narcotics above commercial quantity was recovered from the petitioner.
4. 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 petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We direct the Correctional Home to extend all medical attention to the petitioner including periodic assessment of his state of health at a specialized Cancer Unit.

7. Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)