

05.09.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1485 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.13 of 2022 arising out of Andal P.S. Case No.171 of 2022 dated 20.05.2022 under Sections 21C/29 of the NDPS Act.

In the matter of : Sk. Amir Ali @ Amir Ali.
... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Antarikhya Basu,
Mr. Avik Ghatak,
Ms. Madhumita Basak,
Mr. Soham De Dhara.
...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

1. Learned Senior Advocate for the petitioner submits chemical examiner's report is inconclusive. He renews bail prayer of his client.
2. Learned Advocate for the State submits date has been fixed for recording evidence and bail prayer of the petitioner was rejected earlier.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected in January, 2023. Presently, bail prayer has been moved on the ground of chemical examiner's report is inconclusive.
4. We have considered the chemical report. One of the sample tested positive to heroin.
5. In view of the aforesaid fact and as bail prayer had been rejected earlier, we are not inclined to grant bail to the petitioner at this stage.
6. Accordingly, the prayer for bail of the petitioner is rejected.

7. Trial court is requested to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

8. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)