

08.09.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1491 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2023 in connection with Baduria Police Station Case No.227 of 2022 dated 21.04.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Babul Gazi***

... .. Petitioner

Mr. Angshuman Chakraborty

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and six months. It is further submitted he has been falsely implicated in the instant case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 56 ltrs. of *codeine phosphate* was recovered from the joint possession of the petitioner and co-accused. Charge has been framed.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 56 ltrs. of *codeine phosphate*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Materials on record and statutory restrictions under Section 37 of the NDPS Act debar us from granting bail to the petitioner on merits.
4. On the ground of delay, we note charge has already been framed and date has been fixed for recording of prosecution evidence. Hence, we are not inclined to grant bail to the petitioner on this score also.

5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)