

14.09.2023

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rejected

C.R.M.(NDPS) No. 1522 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 614 of 2021 dated 08.10.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Bimarul Sk. .... petitioner

Mr. Kiron Sk.

....for the petitioner

Mr. Saryati Datta

..... for the State

1. Larned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted that he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits bail prayer of co-accused was rejected in July, 2023. Trial is in progress and three witnesses have already been examined.

3. We have considered the materials on record. 76 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity were recovered from a motor cycle. Petitioner and co-accused were in the motor cycle at the time of recovery. Bail prayer of the co-accused has been rejected on merits in July, 2023. Petitioner stands on the similar footing

and accordingly we are not inclined to grant bail to him on merits.

4. On the score of delay we note three witnesses have already been examined and prosecution is prompt in conducting the trial. Hence, we do not find merit in the application and accordingly, we are not inclined to grant bail to the petitioner on this score also.

5. The application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**