

04.10.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 1619 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2023 in connection with Kaliachak Police Station Case No.619 of 2021 dated 13.06.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.49 of 2021)

And

In Re: ***Najer Ali @ Md. Najer Ali @ Najet***

... .. Petitioner

Mrs. Sujata Das

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioner that there is delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused viz. Mabud Sk. @ Imran was rejected by this court in August, 2023.
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. 305 gms. of *Heroin*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Delay in the matter was due to abscondence of another co-accused. Accordingly, bail prayer of Mabud Sk. @ Imran was rejected. Petitioner stands on the same footing with the said co-accused. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial and conclude the same at an early date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)