

09.10.2023
tkm/ct 28
sl no. 5

C.R.M. (NDPS) 1638 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Maidan PS case no. 59 of 2022 dated 29.6.2022 under sections 20(b)(ii)(c)/29 of the NDPS Act

And

In Re : Bharat Ray @ Roy

...petitioner

Mr. Debasis Kar
Mr. S Chowdhury

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

1. Learned lawyer for the petitioner submits amount of ganja recovered from the petitioner is to the tune of 4.1 kgs which is below commercial quantity. He prays for bail.
2. Learned lawyer for the State submits 103 kgs ganja was being transported in a vehicle of the petitioner. The vehicle was apprehended and the ganja seized. On interrogation of the petitioner and pursuant to his disclosure statement another 4.1 kgs ganja was recovered. His bail prayer was rejected in February 2023 on merits. Trial has already commenced.
3. We have considered the materials on record. Recoveries of narcotics are not isolated events. Petitioner's vehicle was used to carry 103 kgs ganja. The vehicle was apprehended and the contraband seized. Thereafter, the petitioner was arrested and on his leading statement another consignment of 4.1 kg. ganja was recovered. Subsequent recovery is connected with the earlier one and petitioner is involved in both as the vehicle used in the earlier transaction belongs to him. Under such circumstances his bail

prayer was rejected earlier on merits. Trial has already commenced.

4. Hence, we are not inclined to grant bail to the petitioner and his prayer for bail is rejected.

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

6. Parties shall communicate this order to trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)