

24.11.2023
sdas/tkm/ct 28
sl no. 8

C.R.M. (NDPS) 1692 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore PS case no. 155 of 2022 dated 5.2.2022 under section 22(c)/29 of the NDPS Act

AND

In Re : Krishnapada Mandal petitioner

Mr. Tapodip Gupta

..... for the petitioner

Mr. Antarikhya Basu

..... for the State

1. Report is placed on record.
2. Petitioner submits bail prayer of co-accused was granted by the Hon'ble Apex Court. He is in custody for about two years. He prays for bail
3. Learned lawyer for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected by the Hon'ble Apex Court.
4. We have considered the materials on record. While bail prayer of the co-accused was allowed by the Hon'ble Apex Court, bail prayer of the petitioner had been turned down by the Hon'ble Apex Court. Hence he cannot claim parity with the said co-accused. Materials on record show recovery of narcotics above commercial quantity i.e. 6500 bottles of phensedyl syrup containing codeine phosphate from the petitioner. Date has been fixed for recording prosecution evidence.
5. 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.

6. Accordingly, the prayer for bail is rejected.

7. We request the trial court to conclude the trial as expeditiously as possible fixing schedules at short intervals preferably within 18 months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)