

16.10.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1698 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.59 of 2022 arising out of Bhagwangola P.S. Case No.102 of 2022 dated 18.02.2022 under Sections 20(b)(ii)(B)/21(c)/29 of the NDPS Act.

In the matter of : **Rabbekul Sk. @ Rabbekul Islam.**

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das.

...for the State.

1. Petitioner is in custody for one year and eight months. He renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in March, 2023. Thereafter, case has been adjourned for fixing dates for recording prosecution evidence. Recovery from the petitioner involves 70 bottles of phensedyl syrup containing codeine phosphate and 10 kgs. of ganja. Total recovery is above commercial quantity.
4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. Trial Court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)