

18.10.2023

5
sdas
rejected

C.R.M.(NDPS) No. 1712 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No. 32 of 2022 dated 01.02.2022 under Sections 21(c)/22/25/27A/28/29 of the NDPS Act.

And

In Re : Atabur Rahaman petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

....for the petitioner

Mr. Antarikhya Basu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted that co-accused has been enlarged on bail by the Hon'ble Apex Court.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner does not stand on the same footing as the co-accused is his wife.

3. We have considered the materials on record. Petitioner was dealing in narcotic substance above commercial quantity. 1 Kg. of Heroin was recovered from his residence. Co-accused is his wife and on such premise she was enlarged on bail by the Hon'ble Apex Court. On the other hand petitioner is the principal accused and date has been fixed for recording prosecution evidence.

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. The application for bail is, thus, rejected.

6. Prosecution proposes to examine 36 witnesses. Under such circumstances, bearing in mind the period of detention suffered by the petitioner we request the trial court to conduct trial expeditiously by fixing schedules for examination of witnesses at quick intervals and to conclude the same at an early date preferably within 18 months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)