

18.10.2023

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rejected

C.R.M.(NDPS) No. 1721 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. 325 of 2022 dated 13.09.2022 under Sections 20(b)/29 of the NDPS Act.

And

In Re : Ananta Hansda & Anr. petitioners

Mr. Anisur Rahman

....for the petitioners

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for one year and one month. It is also submitted they have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits charge has already been framed. Date has been fixed for recording evidence.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 40.300 Kgs. of Ganja above commercial quantity from a vehicle where petitioners were present. They had conscious possession of narcotics.

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 petitioners.

5. The application for bail is, thus, rejected.

6. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)