

19.10.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1728 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.10.2023 in connection with NDPS Case No.26 of 2022 arising out of NCB Crime No.12/NCB/KOL/2022 dated 06.04.2022 under Sections 8/21(c)/22(c)/29/35/54 of the NDPS Act.

And

In Re: ***Minagur Rahaman***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Shiladitya Banerjee
Mr. Avijit Ganguly

... .. for the petitioner

Mr. Anirban Mitra

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for over 500 days. Co-accused has been enlarged on bail. Another accused has been brought on record and there is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits a large volume of *phensedyl syrup* and other medicines containing narcotic substance were recovered from the petitioner. He does not have any licence to deal with these products.
3. We have considered the materials on record. A large volume of *phensedyl syrup* and other medicines containing narcotic substance were recovered from the petitioner. He does not have a licence. Manner and circumstance in which the recovery was made clearly shows the contraband was kept for non-medicinal use. Co-accused viz. Mahesh Parekh, owner of '*M/s. J. K. Pharma*' had a drug licence and accordingly, was released on interim bail. Petitioner cannot claim parity with him. In view of the aforesaid circumstances and the

statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. The application for bail is thus rejected.
5. Trial court is directed to commence the trial at the earliest and conclude the same at an early date preferably within one year from the date of re-framing of charge without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)