

16.11.2023

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rejected

C.R.M.(NDPS) No. 1736 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 71 of 2022 dated 18.01.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re : Minarul Islam & Anr. petitioners

Mr. Tapodip Gupta

....for the petitioners

Mr. Ranadeb Sengupta

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for one year and ten months. They pray for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of 700 bottles of Phensedyl Syrup above commercial quantity from the petitioners. Trial has commenced and two witnesses have already been examined.
4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act we are of the opinion this is not a fit case to grant bail to the petitioners.
5. The application for bail is, thus, rejected.
6. Trial court is requested to conclude the trial as expeditiously as possible preferably within eighteen months from the next date fixed for recording evidence without granting any 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.)