

24.11.2023

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sdas
rejected

C.R.M. (NDPS) No. 1878 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. 646 of 2022 dated 20.06.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Manav Mandal @ Madab Mandal petitioner

Mr. Kazi M. Rahman

... for the petitioner

Mr. Debasish Roy, learned PP

Mr. Parthapratim Das

... for the State

1. Learned Counsel for the petitioner submits he is in custody for over 400 days. It is also submitted that he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for recording of prosecution evidence.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 120 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity from the petitioner. Other co-accused fled from the spot. Date has been fixed for recording prosecution evidence. 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.

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

5. 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.)