

24.11.2023

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rejected

C.R.M. (NDPS) No. 1877 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 671 of 2021 dated 27.11.2021 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re : Mritunjay Sarkar @ Mrituynjay Sarkar petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

... for the State

1. Learned Counsel for the petitioner submits he had let out the house to the co-accused who indulged in narcotic trade. He is in no way connected to the said business. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner was also indulged in the narcotic trade. Trial has commenced.

3. We have considered the materials on record. No document to show valid tenancy between the petitioner and co-accused is placed on record. On the other hand, statements of witnesses give an impression that petitioner and co-accused were illegally carrying on narcotic trade from his house. Trial is in progress. 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 preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)