

19.12.2023
Sl. No.20
akd
[Rejected]

C. R. M. (NDPS) 1961 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.11.2023 in connection with Kanksa Police Station Case No.225 of 2022 dated 03.07.2022 under Sections 21(c)/22(c)/29 of the NDPS Act. (NDPS Case No.17 of 2022)

And

In Re: ***Bidhan Baidya***

... .. Petitioner

Mr. Pronojit Roy
Mr. Debasis Mitra
Mr. Arka Mahalanabis

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 533 days. It is further submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner and co-accused were together. Narcotics i.e. 970 gms. of *Heroin* was recovered from co-accused. Trial has substantially progressed.
3. We have considered the materials on record. Petitioner and co-accused were together. Commonality of intention in transporting *Heroin* is evident from the conduct of the parties and attending circumstances. Trial has substantially progressed. Under such circumstances, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial and conclude the same at an early date.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

