

19.12.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 1951 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2023 in connection with Gaighata Police Station Case No.131 of 2023 dated 12.02.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Prosenjit Biswas***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Sujan Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about ten months. It is further submitted there is no progress in the matter as prayer for discharge of co-accused has not been disposed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 50 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioner. He does not stand on the same footing with co-accused in whose favour prayers for discharge have been made. Under such circumstances and in view of 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 take prompt steps to dispose of the application for discharge and proceed with the trial in accordance with law.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)