

19.12.2023.
32.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1976 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N-125 of 2022 arising out of Matia P.S. Case No.346 of 2022 dated 06.09.2022 under Sections 21(C) of the NDPS Act.

In the matter of : **Ashok Debnath.**

... Petitioner.

Mr. S. Chowdhury,
Ms. Tripti Pandey,
Mr. Biwajit Goswami,
Ms. R. Ghosh.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

1. Petitioner contends he is a driver of commercial vehicle. He had no knowledge with regard to transport of narcotics by the passenger. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner and co-accused had conspired to jointly transport the vehicle. Petitioner was driving the vehicle.

3. We have considered the materials on record. No document of hire has been placed on record to probabalise the defence. On the other hand, materials on record show petitioner is the driver of the vehicle which was used to transport narcotics. Trial is in progress.

4. 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.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We direct the Trial Court to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed before it without granting 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.)