

19.  
**29.12.2023.**  
Court No.08  
p.b./pg.  
(Rejected)

**CRM (NDPS) 2106 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.12.2023 in connection with Bhatpara P.S. Case No.455 of 2022 dated 16.06.2022 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Md. Nawab @ Nakchapta

... Petitioner

Mr. Debasis Kar  
Mr. A.T. Bhadra

...For the Petitioner

Mr. Rafiqul Islam  
Mr. Palash Majhi

...For the State

1. The learned counsel appearing on behalf of the petitioner submits that the contraband substance recovered is less than the commercial quantity as because the weight mentioned includes the bag which brings the quantity of substance under the commercial quantity. He further submits that the accused is in custody for more than one year and six months. Considering the aforesaid facts, he prays for granting bail.

2. Learned counsel appearing on behalf of the State vehemently opposes the prayer for bail and raises the point as regards the antecedents of the accused petitioner and submits that three more cases are pending against this petitioner.

3. On perusal of the case diary and the memo of evidence and also considering the quantity of the contraband substance and also considering the antecedents which have been placed before us, this Court is not inclined to grant bail to the petitioner. It also appears that three cases, being Jagaddal P.S. Case No.531 dated 9<sup>th</sup> June, 2014 under Sections 302/34 of the Indian Penal Code, Jagaddal P.S. Case No.534 dated 11<sup>th</sup> June, 2014 under Section 20(b) of the NDPS Act and Jagaddal P.S. Case No.1239 dated 23<sup>rd</sup> December, 2014 under Sections 302/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act apart from this instant case are pending against this petitioner.

4. Considering the fact that the next dates fixed for evidence are on 11<sup>th</sup> January, 2024, 15<sup>th</sup> January, 2024 and 16<sup>th</sup> January, 2024 and also considering the fact that only three witnesses are to be examined, the learned Trial Judge is requested to conclude the trial within four months from the next date fixed and prosecution is directed to co-operate in this regard.

5. The application for bail, being CRM (NDPS) 2106 of 2023, stands rejected.

**(Hiranmay Bhattacharyya, J.)**

**(Supratim Bhattacharya, J.)**