

10.01.2024

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rejected

C.R.M.(NDPS) No. 20 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 435 of 2022 dated 31.10.2023 under Section 21(c) of the NDPS Act.

And

In Re : Raghunath Mondal petitioner

Mr. Jayanta Narayan Chatterjee

Mr. Bidyut Baran Biswas

Ms. S. Ghosh

....for the petitioner

Mr. Bidyut Kumar Roy

Mr. Antarikshya Basu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial has already commenced and one witness has been examined.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 144 bottles of Phensedyl Syrup containing codeine phosphate which is above commercial quantity from the possession of the petitioner. In view of the aforesaid materials on record and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected on merits.

5. On the score of delay we note trial has already commenced and one witness has been examined. We are not inclined to entertain bail prayer on this score also.

6. We request the trial court to conclude the trial within one year from the next date fixed for recording evidence 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.)