

17.01.2024

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rejected

C.R.M.(NDPS) No. 38 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1313 of 2021 dated 25.11.2021 under Sections 21(c)/22(c)/27A/28/29 of the NDPS Act.

And

In Re : Samayun Sk. @ Mastar petitioner

Mr. Sourav Chatterjee

Mr. M. H. Chowdhury

....for the petitioner

Mr. Debasish Roy, learned PP

Ms. Sonali Das

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is slow progress in trial. Co-accused Rantu Kumar Singha has been enlarged on bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with co-accused, Rantu Kumar Singha.

3. We have considered the materials on record. Co-accused, Rantu Kumar Singha was enlarged on bail on the ground that tower location of his mobile phone did not match with the place of recovery of narcotics. Petitioner cannot take advantage of his situation. He was arrested at the spot along with narcotics above commercial quantity. Statements of witnesses are corroborated by the seizure memorandum as well

as arrest memorandum. He also has criminal antecedents. Delay in the matter is due to absence of Presiding Officer in the Court. 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.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)