

10.01.2024
Sl. No.24
akd
[Rejected]

C. R. M. (NDPS) 45 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2024 in connection with Baishnabnagar Police Station Case No.855 of 2022 dated 27.09.2022 under Sections 21(c)/25/29 of the NDPS Act. (NDPS Case No.175 of 2022)

And

In Re: **Sayed Sk. @ Javed Sk.**

... .. Petitioner

Md. Sabir Ahmed
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Ms. Suman Biswas

... .. for the petitioner

Mr. Sanjib Kumar Dan

... .. for the State

1. It is submitted on behalf of the petitioner that he was not present at the place of recovery. There is no material to show that the place of recovery belonged to him. 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. 425 bottles of *phensedyl* syrup containing *codeine mixture*, which is above commercial quantity from the house of the petitioner. Trial has already commenced. 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 expedite the trial and conclude the same at an early date.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)