

24.01.2024

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rejected

C.R.M.(NDPS) No. 148 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hasnabad Police Station Case No. 163 of 2021 dated 18.03.2021 under Section 21(c) of the NDPS Act.

And

In Re : Tapan Sarkar petitioner

Mr. Sabyasachi Mukherjee

Mr. Bibek Dey

Mr. Arundhuti Barai

....for the petitioner

Mr. Avishek Sinha

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 388 days. It is also submitted he was not present at the place of occurrence. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the owner of the vehicle and had fled away from the spot at the time when the vehicle was apprehended.

3. We have considered the materials on record. Petitioner is the owner of the vehicle which was used for transportation of narcotics above commercial quantity. He had run away from the spot. Trial is in progress. 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 and conclude the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)