

31.01.2024.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 144 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.45 of 2020 arising out of NCB Crime No.16/NCB/Kol/2020 under Sections 8(c) read with Sections 20(b)(ii)/21(c)/23(c)/25/27(a)/28/29 of the NDPS Act.

In the matter of : **Rajan Mishra @ Rajen Mishra.**
... Petitioner.

Mr. Anirban Dutta,
Mr. Abhra Jena,
Mr. Rohit Das.

...for the Petitioner.

Mr. Kallol Mondal,
Mr. Pradyut Saha.

...for the NCB.

1. Petitioner is in custody for three years and five months. He submits co-accused viz., Biswanath Das has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the NCB opposes the bail prayer. He contends petitioner is the principal conspirator to transport narcotics across international border. Narcotics was recovered antique pieces kept in the courier office for export and statement of the courier shows it was booked by one Ashim Roy, employee of the petitioner.

3. We have considered the materials on record. Petitioner was involved in exporting antique pieces through a courier firm. On suspicion, the antique pieces were seized and 11.180 kgs. of charas was recovered therefrom. The consignment had been booked by Asim Roy, an employee of the petitioner.

4. These materials *prima facie* show involvement of the petitioner as a conspirator in surreptitiously exporting charas across international border. Co-accused viz., Biswanath Das is a dealer in medicine and in that backdrop he has been enlarged on bail. Petitioner cannot claim parity with him. Trial is in progress and one witness has already been examined.

5. In view of the nature of crime which involves illegal exportation of narcotics beyond India and as trial is in progress, we are not inclined to grant bail to the petitioner.

6. Accordingly, prayer for bail of the petitioner is rejected.

7. We request the trial court to conduct trial with expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

8. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)