

09.02.2024
22
sdas
rejected

C.R.M.(NDPS) No. 279 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 240 of 2022 dated 27.09.2022 under Sections 20(b)/29 of the NDPS Act.

In Re : Billal Mondal

And
.... Petitioner

Ms. Devi Priya Mitra
....for the petitioner

Mr. Sudip Ghosh
Mr. Sujoy Sarkar
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and four months. It is also submitted co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits narcotics was recovered from the petitioner.

3. We have considered the materials on record. Petitioner and others were travelling in a vehicle. Police recovered large quantity of Ganja which was hidden inside the vehicle. This shows involvement of the petitioner in illegal smuggling of narcotics above commercial quantity across international border. Complicity of the co-accused was based on the statement of the petitioner before police which is inadmissible in law. Hence, they have been enlarged on bail. Petitioner was arrested at the spot and cannot claim parity with the said co-accused. Under such circumstances and in view of nature of offence 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 without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)