

13.02.2024
Sl. No.30
akd
[Rejected]

C. R. M. (NDPS) 301 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2024 in connection with Burwan Police Station Case No.347 of 2020 dated 28.11.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.263 of 2020)

And

In Re: ***Abdul Rahaman & Anr.***

... .. Petitioners

Ms. Minoti Gomes
Ms. Chandrima Debnath

... .. for the petitioners

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Soumik Ganguli

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about three years and two months. It is further submitted independent witnesses stated that they signed on the seizure list at the police station. No inventory was made with regard to the alleged seizure before Magistrate. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits nine out of twelve witnesses have already been examined.
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. 115 bags containing 10 kgs. of *Ganja* each i.e. 1150 kgs. of *Ganja*, which is above commercial quantity from a truck. Petitioners were present in the truck. Official witnesses have proved the recovery from them. Impact of the independent witnesses resiling from their earlier statements needs to be assessed in the light of the consistent evidence of the official witnesses on record. Failure to inventorise narcotics before

Magistrate requires to be assessed during trial. Trial has considerably progressed. 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 petitioners.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)