

29.02.2024.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 372 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P.S. Case No.462 of 2022 dated 01.06.2023 under Sections 21(C)/29 of the NDPS Act and Section 27(a) of the Drugs and Cosmetic Act.

In the matter of : **Yusuf Sk @ Yusuf Ali.**

... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Abhra Mukherjee,
Mr. Arup Sarkar

...for the State.

1. Petitioner is in custody for one year and two months. He submits no narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner was smuggling phensedyl syrup across the international border.

3. We have considered the materials on record. BSF personnel recovered 295 bottles of phensedyl syrup from a motorcycle. Petitioner is owner of the motorcycle. These circumstances *prima facie* establish involvement of the petitioner in transporting narcotics above commercial quantity across the international border. On the score of delay, we note

trial has already commenced and one witness has been examined in part.

4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

6. We request the trial court to fix schedule at short intervals 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.

7. Parties shall co-operate with the trial court and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)