

07.03.2024

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rejected

C.R.M.(NDPS) No. 446 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdah Police Station Case No. 616 of 2022 dated 10.08.2022 under Section 21(c) of the NDPS Act.

And

In Re : Salam Biswas alias Chalam Biswas petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Ashok Das

..... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 99 bottles of Phensedyl Syrup which is above commercial quantity from the possession of the petitioner. Trial is in progress and two out of seven witnesses have been examined. Prosecution assures this Court remaining witnesses shall be examined within eight months from the next date fixed for recording evidence subject to co-operation by the defence and other systematic delays. In view of the aforesaid facts particularly the assurance given by the prosecution and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

3. Application for bail is, thus, rejected.

4. 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)