

29.04.2024
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 546 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.03.2024 in connection with Raninagar Police Station Case No.158 of 2023 dated 27.03.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.40 of 2023)

And

In Re: ***Biplove Mondal @ Biplab Mandal***

... .. Petitioner

Mr. Debanshu Ghorai
Mr. Anisur Rahman

... .. for the petitioner

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Report is placed on record. Report shows date has been fixed for recording evidence.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 983 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. 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 petitioner.
5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.

7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)