

01.04.2024
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 557 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 Jalangi Police Station Case No.395 of 2020 dated 19.11.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.21 of 2024)

And

In Re: ***Kuddus Mondal***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Annyasha Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 240 days. It is further submitted no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner has criminal antecedents. He had handed over the sack containing bottles of *phensedyl syrup* to co-accused viz. Saharul Mondal @ Saharul Mandal (a minor) who is presently on bail.
3. We have considered the materials on record. Statements of witnesses show petitioner had handed over a sack and some money to co-accused. Thereafter, he was apprehended by BSF personnel. From the sack narcotics i.e. *phensedyl syrup* was recovered. These materials prima facie show petitioner had abetted the transportation of narcotics above commercial quantity. He is in custody for about

240 days. Co-accused was released on bail after incarceration for about 2½ years.

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