

19.04.2024

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rejected

C.R.M.(NDPS) No. 676 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kumarganj Police Station Case No. 370 of 2023 dated 13.12.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Suman Saha Petitioner

Mr. Kaushik Choudhury

....for the petitioner

Mr. Kunal Ganguly

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 99 days. It is also submitted no narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had supplied bottles of cough syrup containing codeine phosphate to the co-accused. He has been arrested in another case being Balurghat Police Station Case No. 996 of 2023 dated 11.12.2023 and a consignment of cough syrup containing codeine phosphate was recovered from him. Batch numbers of cough syrups which were recovered from the petitioner in the other case and those seized in the present case are the same.

3. We have considered the materials on record. Petitioner has criminal antecedents. A consignment of cough

syrup containing codeine phosphate was recovered from the petitioner in Balurghat Police Station Case No. 996 of 2023 dated 11.12.2023. Similar recoveries have been made from the co-accused in the present case. Batch numbers of the cough syrups recovered from the petitioner in the other case and those seized in the present case are the same. Investigation is in progress. Under such circumstances, we are not inclined to grant bail to the petitioner.

4. 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 in the light of the assurance by the prosecution without granting unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)