

10.05.2024
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rejected

C.R.M.(NDPS) No. 799 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Casae No. 110 of 2023 dated 06.02.2023 under Section 21(c) of the NDPS Act.

And
In Re : Kamal Krishna Biswas alias Sona Petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha
....for the petitioner

Mr. Iqbal Kabir
Mr. Prakash Mishra
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and three months. It is also submitted he was acquitted in an earlier case involving narcotics. Thereafter he was falsely implicated in another case. While he was in custody for the said case it is alleged narcotics was recovered from his residence. It is also submitted he did not have control and domain over the house at the time when alleged recovery was made. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner has criminal antecedents and he is involved in five criminal cases. On his leading statement narcotics was recovered from his residence.

3. We have considered the materials on record. Petitioner has criminal antecedents. He was arrested in a rape case. During interrogation he revealed he has stored narcotics at his residence. On his leading statement 14.842 kgs. of codeine mixture was recovered from his residence. Date has been fixed for recording evidence. At this stage if the petitioner is released on bail he may abscond or commit similar offence. Hence, 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 preferably within eighteen months from the next date fixed for recording evidence 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)