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24-07-2024
(ct. no.28)
S. De
(Rejected)

CRM (NDPS) 1125 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure.

- A n d -

In the matter of : Md. Israr @ Guddu.

.... Petitioner.

Mr. Sunny Nandy,
Mr. Anand Jha,
Mr. Tamal Singha Roy,
Mr. Yamini Yiwari,
Mr. Ankit Kr. Mishra,

... For the Petitioner.

Mr. Arindam Sen,
Mrs. Shaila Afrin,

...for the State.

Order dictated by Partha Sarathi Sen, J.

- 1) It is submitted on behalf of the petitioner that considering the period of detention and also considering the fact that there was serious statutory defects in course of the alleged seizure, the instant application for bail may be considered favourably.
- 2) While opposing the prayer for bail, learned advocate for the State draws our attention to the seizure list wherefrom it reveals that total 64.344 kgs. of cannabis was recovered from the joint possession of the present accused petitioner along with two co-accused persons.
- 3) Trial has already commenced. In view of the same and in view of the involvement of the present co-accused petitioner in the alleged crime and also keeping in mind the restriction under Section 37 of the N.D.P.S. Act, we

are not inclined to exercise our discretion under Section 439 Cr.P.C.

4) CRM (NDPS) 1125 of 2024 is dismissed.

5) All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)