

11.01.2024

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rejected

C.R.M.(NDPS) No. 1991 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gaighata Police Station Case No. 1005 of 2021 dated 31.10.2021 under Section 21(c) of the NDPS Act and Section 14 of the Foreigners Act.

And

In Re : Sk. Salim Hussain @ Md. Salim Hussain petitioner

Mr. Kamalesh Chandra Saha

Ms. Payel Mitra

... for the petitioner

Mr. Ranadeb Sengupta

.... for the State

1. Learned Counsel for the petitioner submits there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits he is a Bangladeshi national. Summons has been issued upon BSF personnel to depose. Date has been fixed in February, 2024.

3. We have considered the materials on record. Petitioner is a Bangladeshi national. He was transporting narcotics i.e. 125 bottles of Phensedyl Syrup containing codeine phosphate across the international border. Date has been fixed for recording evidence. In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. In view of the fact that prosecution proposes to examine BSF officials who may be posted at different parts of the

country we direct the trial court to take necessary steps to ensure examination of the witnesses through video linkage, if necessary.

6. Parties shall communicate this order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)