

02.01.2024.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 2072 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.51 of 2022 arising out of Barasat P.S. Case No.235 of 2022 dated 10.04.2022 under Sections 18(c)/28/29 of the NDPS Act and charge sheet submitted under Sections 18(c)/29 of the NDPS Act.

In the matter of : **Ahammad Mondal.**

... Petitioner.

Mr. Dipankar Mandal,
Mr. Abdul Aziz Mondal.

...for the Petitioner.

Mr. Soumik Ganguli.

...for the State.

1. Petitioner is in custody for one year and eight months. He contends he has been falsely implicated. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 2.680 kgs. of opium from the petitioner. Charge has been framed and date has been fixed for recording evidence. .
4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are of the opinion petitioner is not entitled to bail either on merits or on the ground of delay.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the Trial Court to conduct trial with expedition and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)