

21.01.2025
Item no. 26.
Court No.29.
AB
(rejected)

CRM (NDPS) 1834 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.03 of 2024 Dated 2.1.2024 under Sections 21(C)/27A/29 of the NDPS Act

And

In the matter of : Md. Emrail Sk.Petitioner.

Md. Wasim Akramfor the Petitioner.

Mr. Bitoshok Banerjee,
Mr. Tirupati Mukherjeefor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner has been languishing in judicial custody for more than a year. There is no chance of an early conclusion of the trial as charge has not yet been framed. There is no independent witness in this case.
2. Learned Counsel for the State opposes the prayer for bail. According to him, charge has already been framed on January 14, 2025 and the next date for evidence of the prosecution witnesses has been fixed on February 27, 2025. There are sufficient incriminating materials against the present petitioner. 520 bottles of phensedyl syrup containing codeine phosphate has been recovered from the petitioner. If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials on record. There are sufficient incriminating materials against the present petitioner showing that a huge quantity of contraband items has been recovered from his possession. There is no inordinate delay in progress of the trial. The petitioner has been unable to override the restrictions imposed under Section 37 of the NDPS Act.
4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
5. The prayer for bail is rejected.
6. CRM (NDPS) 1834 of 2024 is dismissed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)