

41. 10.02.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1960 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Hemtabad P.S. Case No.154/2023 dated 26.7.2023.

And

In the matter of: - **SAINUL RAHAMAN**

...petitioner.

Mr. Hamidur Rahaman

...for the petitioner.

Mr. Saryati Dutta

Mr. Saibal Krishna Dasgupta

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find from the report that eight witnesses have already been examined by the prosecution. 11 more witnesses are required to be examined. Frequent schedules have already been fixed by the learned Trial Court.
3. Learned Advocate for the petitioner says that several of the witnesses examined so far have turned hostile.
4. That may be so, but we are not inclined to assess the quality or quantity of evidence on record.
5. *Prima facie* there is sufficient incriminating evidence against the petitioner. Commercial quantity of phensedyl syrup containing codeine phosphate was seized from the joint possession of the accused persons.

6. In view of involvement of commercial quantity of contraband item and keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
7. The application being CRM (NDPS) 1960 of 2024 is accordingly dismissed.
8. However, considering that the petitioner is in custody for more than a year, we direct the learned Trial Court to expedite the trial as much as possible and conclude the same on an early date.
9. Parties to communicate this order to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)