

16.02.2022
Ct. No. 32
223
sdas

C. R. M. 2632 of 2021
(via video conferencing)

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

And

In Re: **Daya Sankar Tiwari @ Sankar Tiwari**
... .. Petitioner

Mr. Arunava Ganguly
... .. for the petitioner

Mr. S. G. Mukherji, learned P.P.
Mr. Saryati Datta
... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Rishra Police Station Case No. 56 of 2020 dated 11.07.2020 under section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name did not feature in the F.I.R. Upon completion of investigation, charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about one year, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Datta, learned advocate appearing for the State, opposes the petitioner's prayer and submits that initially on 11th July, 2020 two litres of codeine mixture was recovered from one Biplab Das and one Tushar Naskar. On the basis of their statements one litre of codeine

mixture was, thereafter, recovered from the petitioner and another person on 15th July, 2020.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that one litre of codeine mixture was recovered from the possession of the petitioner and another person. In view thereof, the statutory restrictions are attracted and as such, his prayer for bail is refused at this stage.

We have been informed that charges have already been framed and as such, the learned court below is requested to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest.

With the aforesaid observations, the application for bail being CRM 2632 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)