

28.07.2022.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 837 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.47 of 2020 arising out of Noapara P.S. Case No.192 of 2020 dated 08.08.2020 under Sections 21(C) of the N. D. P. S. Act.

In the matter of : Akash Shaw.

... Petitioner.

Mr. Satadru Lahiri,
Mr. Vikash Singh,
Ms. Sneha Singh.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sonali Das.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over two years. He submits trial has not yet commenced.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memo show recovery of narcotic substance above commercial quantity from the petitioner.

In view of the aforesaid incriminating materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, in the light of protracted period of detention suffered by the petitioner trial court is directed to consider the issue of framing of charge on the next date fixed before it and if it is unable to do so positively within one month and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)