

28.09.2022

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rejected

C.R.M.(NDPS) No. 1099 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 234 dated 18.08.2018 under Section 21 of the NDPS Act.

And

In Re : Firjul Sk. alilas Layeb petitioner

Mr. Sataroop Purokayastha

Ms. Jagriti Bhattacharya

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than four years. It is further submitted most of the witnesses have not been identified by the petitioner. It is also contended there is delay in trial of the case in spite of direction given by this Court in CRR 1163 of 2022.

Learned Counsel appearing for the State opposes prayer for bail and submits narcotic substance, above commercial quantity, i.e. 60 liters of codeine mixture was recovered from the possession of the petitioner.

We have considered the materials on record. PW 3, a member of the raiding party, has identified the petitioner. Seizure memorandum exhibited in the case also bears the signature of the petitioner and corroborates the prosecution case.

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

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)