

05.12.2022
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 1432 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2022 in connection with Chinsurah Police Station Case No.421 of 2020 dated 17.12.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.66 of 2020)

And

In Re: ***Iswar Harijon***

... .. Petitioner

Mr. Palash Ch. Majhi

... .. for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted recovery from his possession is not supported by independent witnesses. There is no possibility of the trial concluding in the near future.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the members of the raiding party and contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2.5 ltrs. of *codeine mixture*, which is above commercial quantity from the possession of the petitioner. Impact of non-joining of independent witnesses in the seizure has to be assessed during trial. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are of the opinion this is not a fit case to grant bail to the petitioner.

The application for bail is thus **rejected**.

In view of the protracted period of detention suffered by the petitioner, we direct the trial court to conclude the trial as expeditiously

as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)