

24.01.2023.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 99 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T. R. Case No. 38 of 2020 arising out of Belur P.S. Case No.161 of 2020 dated 04.09.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Toufique.

... Petitioner.

Md. Zeeshanuddin,
Ms. Amrin Khatoon.

...for the Petitioner.

Mr. Imran Ali,
Mrs. Debjani Sahu.

...for the State.

Petitioner is in custody for more than two years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits trial is in progress. Three witnesses have already been examined.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance above commercial quantity i.e. 4600 ml. codeine mixture from the joint possession of the petitioner and co-accuseds.

In view of the aforesaid circumstances and 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.

Trial has already commenced. Hence, 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.)