

23.03.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 463 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Dankuni Police Station Case No.71 of 2020 dated 13.03.2020 under Section 21(c) of the NDPS Act. (NDPS Case No.19 of 2020)

And

In Re: ***Subhra Brahma***

... .. Petitioner

Mr. Uday Sankar Chatterjee
Mr. Dibakar Sardar
Ms. Trisha Rakshit

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted petitioner has been falsely implicated. It is also submitted he was acquitted of an earlier charge of similar nature. He is on bail in another case.

Learned Advocate for the State opposes the prayer for bail and submits two witnesses have already been examined.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. Charge was framed in September, 2021 and two witnesses have been examined. Next schedule is fixed in May, 2023. Under such circumstances and in view of the 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 at an early date preferably within six months from the next date

fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)