

27.03.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 502 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.31 of 2020 arising out of STF P.S. Case No.20 of 2020 dated 22.12.2020 under Sections 21(b)(ii)(C)/29 of the NDPS Act and charge sheet submitted under Sections 21(b)(ii)(C)/29 of the NDPS Act.

In the matter of : Shubham Tiwari.

... Petitioner.

Mohammad Khairul.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

Petitioner is in custody for two years and seven months. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 6400 bottles of phensedyl syrup containing codeine phosphate from the joint possession of the petitioner and co-accused.

Under such circumstances and in view of 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 court is requested to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

Parties shall communicate the order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)