

12.05.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 961 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.05.2023 in connection with Uttarpara Police Station Case No.42 of 2021 dated 01.02.2021 under Section 21(c) of the NDPS Act. (NDPS Case No.02 of 2021)

And

In Re: **Sonu Yadav**

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Mukul Biswas
Ms. Jayashree Patra

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and three months. It is further submitted he has been falsely implicated due to political considerations. Mandatory statutory restrictions under NDPS Act have been flouted. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits bail prayer of the petitioner was rejected in August, 2023.

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. His bail prayer was rejected in August, 2022 on merits. Thereafter, three witnesses have already been examined. 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 at this stage.

The application for bail is thus rejected.

Trial court is directed to conduct the trial by fixing schedules at regular intervals and conclude the same at an early date preferably within one year 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.)