

05.07.2023
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 971 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.05.2023 in connection with Dhantala Police Station Case No.477 of 2022 dated 02.07.2022 under Section 21(c) of the NDPS Act and Section 46(A)(c) of the Bengal Excise Act. (NDPS Case No.51 of 2022)

And

In Re: ***Subhendu Biswas***

... .. Petitioner

Mr. Sumanta Chakraborty
Ms. Prajaaini Das

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

Report is placed on record. From the report it appears petitioner is being treated at the district hospital and is fit to face trial. Under such circumstances, we are not inclined to enlarge the petitioner on bail on humanitarian ground.

Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 24 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from the petitioner. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are also not inclined to grant bail to the petitioner on merits.

The application for bail is thus rejected.

Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within two years 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.)