

14.08.2023
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 1384 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.08.2023 in connection with Berhampore Police Station Case No.1258 of 2021 dated 29.10.2021 under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs & Cosmetics Act. (NDPS Case No.235 of 2021)

And

In Re: ***Kayed E Azam Jinnah Biswas @ Alif @ Kayed E Ajam Jinna Biswas***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. It is further submitted there is delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for recording of evidence on and from 26.09.2023.
3. We have considered the materials on record. A large volume of narcotics i.e. *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity was recovered from the joint possession of the petitioner and co-accused. Bail prayer of the petitioner was rejected earlier on merits. Date has been fixed for recording prosecution evidence. 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.
4. The application for bail is thus rejected.

5. Trial court is directed to expedite the trial and examine the prosecution witnesses as expeditiously as possible preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)