

10.10.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1649 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.204 of 2022 arising out of Domkal P.S. Case No.609 of 2022 dated 24.09.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Dulal Ali.

... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

1. Petitioner is in custody for more than a year. He contends there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits charge has already been framed.
3. We have considered the materials on record. 52 bottles of phensedyl syrup containing codeine phosphate above commercial quantity was recovered from the petitioner. Charge has been framed and the date has been fixed for recording evidence.
4. 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.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. We request the Trial Court to examine the witnesses by fixing schedules of regular interval and conclude the trial

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.

7. Parties shall communicate this order to the trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)