

19.12.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1946 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2023 in connection with English Bazar Police Station Case No.544 of 2022 dated 06.04.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: ***Riya Shafin***

... .. Petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

... .. for the petitioner

Mr. Sanjib Kumar Dan

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for about one year and eight months. It is further submitted there is slow progress in the matter. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for consideration of charge.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2.544 kgs. of *Heroin* and other articles viz. *morphine*, which is above commercial quantity from the joint possession of the petitioner and her husband viz. Golam Mostafa. In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.
4. The application for bail is thus rejected.
5. On the score of delay we are of the opinion appropriate directions may be given to the trial court for early conclusion of trial.

6. Accordingly, we direct the trial court to consider the issue of framing of charge positively within one month from the next date fixed before the said court and in the event charge is framed to take the proceeding to its logical conclusion within two years from the date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)