

30.01.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 182 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2023 in connection with Andal Police Station Case No.314 of 2022 dated 25.08.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.21 of 2022)

And

In Re: ***Jai Prakash Shaw @ Joy Prakash Shaw***
... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and five months. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.
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. 22.710 kgs. of *Heroin*, which is above commercial quantity from the petitioner and co-accused. Trial has already commenced and one witness has 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.
4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within eight months

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.)