

06.02.2024
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 231 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with Tehatta Police Station Case No.507 of 2022 dated 21.06.2022 under Sections 22(c)/25/28/29 of the NDPS Act. (NDPS Case No.49 of 2022)

And

In Re: ***Salam Sekh @ Lalu @ Shaikh***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Sanjib Kumar Dan

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years and seven months. It is further submitted trial has not commenced. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected in March, 2023. Date has been fixed for consideration of charge.
3. We have considered the materials on record. A large volume of narcotics i.e. 1,00,000 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity was recovered from the petitioner. His bail prayer was rejected in March, 2023. Thereafter, date has been fixed for consideration of charge. 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 by fixing schedules at short intervals and conclude the same 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.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)