

09.02.2024

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rejected

C.R.M.(NDPS) No. 278 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chopra Police Station Case No. 503 of 2022 dated 30.08.2022 under Section 21(c ) of the NDPS Act.

And

In Re : Zakir Hussain @ Jakir Hossain @ Shahrukh ....  
Petitioner

Mr. Kaushik Chowdhury

Ms. Busra Khatun

....for the petitioner

Mr. Swapan Banerjee

Mr. Arani Bhattacharyya

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and five months. It is also submitted no witness has been examined. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. 80 bottles of Phensedyl Syrup containing codeine phosphate were recovered from the petitioner. 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 on merits. On the issue of delay in trial we note charge was framed in July, 2023 and date has been fixed for recording evidence. Under such circumstances, we wish to grant another opportunity to the prosecution to

conclude the trial at an early date. Hence, we are not inclined to grant bail to the petitioner on the ground of delay in trial.

4. The application for bail is, thus, rejected.

5. Trial court is directed to fix schedules at short intervals and conclude the trial at an early date preferably within one year from the next date fixed for recording evidence.

6. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**