

01.03.2024
12
sdas
rejected

C.R.M.(NDPS) No. 389 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 132 of 2022 dated 10.03.2022 under Section 21(c) of the NDPS Act.

And
In Re : Tarikul Gazi petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha
.....for the petitioner

Mr. Bibaswan Bhattacharya
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eleven months. There is slow progress in trial. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits two out of eight witnesses have already been examined.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 5 kg of Codeine Phosphate which is above commercial quantity from the possession of the petitioner. Trial has already commenced and two witnesses have been examined. In view of the aforesaid materials on record and statutory restrictions under Section 37

of the NDPS Act we are not inclined to grant bail to the petitioner.

4. 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 without granting unnecessary adjournment to either of the parties.

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.)