

02.01.2024.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 2066 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.99 of 2021 arising out of Airport P.S. Case No.428 of 2021 dated 09.11.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Md. Firoz @ Shabbo.**

... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. Mukesh Khanna,
Mr. Bibek Dey.

...for the Petitioner.

Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for two years and one month. He contends there is delay in trial. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum disclose recovery of 5.2 kgs. of codeine phosphate from the petitioner. Trial is in progress. Three witnesses have already been examined.
4. 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.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. We request the Trial Court to conclude the trial as expeditiously as possible preferably within one year from the

next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)