

15.01.2024
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 11 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2023 in connection with Special Task Force Police Station Case No.20 of 2020 dated 22.08.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.31 of 2020)

And

In Re: ***Shailendra Singh Yadav***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Arkaprabho Roy

... .. for the petitioner

Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and three months. It is further submitted there is no material on record to show petitioner was involved in trafficking of narcotics above commercial quantity. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the owner of the truck which was used to transport narcotics above commercial quantity. Three witnesses have already been examined.
3. We have considered the materials on record. A truck belonging to the petitioner was used to transport narcotics i.e. 6400 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity. No document for licit possession or use of such drugs for medicinal purposes has been placed on record. Recovery was made from a secret chamber of the truck which shows the surreptitious character of the transportation and prima facie imputes requisite knowledge upon the petitioner. On such score, bail prayer

of the petitioner has been rejected on merits earlier. It is also pertinent to note that prosecution has been vigilant and examined witnesses promptly. Three witnesses have 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 either on merits or on the ground of delay in trial.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)