

09.11.2021
Sl. No.19
sp
[Rejected]

C. R. M. 7079 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2021 in connection with Jagacha Police Station Case No.124 of 2017 dated 06.07.2017 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Prohallad Das***

... .. Petitioner

Mr. Kamalesh Chandra Saha. Advocate

... .. for the petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 20(b)(ii)(c)/29 of the NDPS Act.

Petitioner is in custody for about four years. It is submitted in spite of direction given by this court in CRR 1941 of 2020 to expeditiously conclude the trial, trial has not progressed with adequate speed.

Learned lawyer for the State opposes the prayer for bail and submits that the delay was due to prevailing pandemic conditions and adjournments had been sought for on behalf of the accused persons.

We have considered the materials on record. Statements of witnesses as well as the seizure memo, prima facie disclose the recovery of narcotic substance above the commercial quantity from the joint possession of the petitioner and other accused persons.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

With regard to the delay in trial, we note that the delay was due to the circumstances beyond the control of the prosecution and also due to the adjournments sought for by accused persons. Hence, we are not inclined in granting bail on the allegation of inordinate delay in disposal of the case.

However we request the Trial court to complete the trial at an early date preferably within a period of one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)