

16.06.2022

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rejected

C.R.M. (NDPS) 642 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with F. No. SI(VII) 10/2016/AIU dated 11.01.2016 under Sections 21(b)(ii)(C)/23(C) of the NDPS Act.

And

In Re : Md. Saukat Sekh petitioner

Mr. Arka Chakraborty
... for the petitioner

Mr. K. K. Maiti
Mr. Tapan Bhanja
... for the Customs Authority

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for six years and six months. In view of prolonged period of detention he prays for bail.

Learned Counsel appearing for the Customs Authority opposes the prayer for bail and submits examination-in-chief of prosecution witnesses are over. Dates have been fixed for cross-examination of the witnesses.

Having considered the materials on record prima facie implicating the petitioner in dealing in narcotic substance which is above commercial quantity. Trial has considerably proceeded and examination-in-chief of the prosecution witnesses are over.

In view of matured stage of trial and gravity of the offence and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to take prompt steps to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)