

25.11.2022

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rejected

C.R.M. (NDPS) No. 1389 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gopalnagar Police Station Case No. 409 of 2021 dated 27.07.2021 under Section 21(c) of the NDPS Act.

In the matter of : Sabir Ali Mondal ... petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

...for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

....for the State

Learned Counsel appearing for the petitioner submits he is in custody for one year and four months. There is inordinate delay in the matter before the trial court.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Narcotic substance above commercial quantity as well as firearms were recovered from the possession of the petitioner and co-accused. Date has been fixed for consideration of charge.

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.

Accordingly, prayer for bail of the petitioner is rejected.

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so on the

date so fixed, the exercise shall positively be made within three months from date and if the charge is framed the trial be concluded as expeditiously as possible without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)