

06.01.2023

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rejected

C.R.M.(NDPS) No. 12 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 420 of 2020 dated 16.12.2020 under Section 21(c) of the NDPS Act read with Sections 25/27 of the Arms Act.

And

In Re : Md. Nasim petitioner

Mr. Arunava Ganguly

....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than two years. It is also submitted there is inordinate delay in trial. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits delay was due to vacancy in the trial court.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum shows recovery of narcotic substance above commercial quantity from the possession of the petitioner. Delay was due to the Pandemic situation and other systematic reason namely vacancy in the trial court. Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

We are informed that the judicial officer has assumed charge in the trial court. Under such circumstances, we request the trial court to conclude the trial as expeditiously as possible preferably within a period of one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)