

30.01.2023.
18.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 120 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N-52 of 2021 arising out of Gaighata P.S. Case No.306 of 2021 dated 08.04.2021 under Sections 21(C)/29 of the NDPS Act and charge sheet submitted under Sections 21 (C) of the NDPS Act.

In the matter of : Sukumar Bairagi.

... Petitioner.

Mr. Susnigdho Bhattacharyya.

...for the Petitioner.

Ms. Puspita Saha.

...for the State.

Petitioner is in custody for about two years. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. She submits trial has already commenced. Two witnesses have been examined.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance i.e. 100 bottles of phensedyl syrup from the petitioner. Trial has commenced. Two witnesses have already been examined.

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

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to expedite the trial and conclude the same at an early date without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)