

07.02.2023.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 200 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No. 42 of 2021 arising out of Rajarhat P.S. Case No.44 of 2021 dated 15.03.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Nazrul Islam @ Kalo Babu.

... Petitioner.

Mr. Arindam Sen,
Mr. Saurav Basu.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for one year and eleven months. He submits co-accused was enlarged on bail by the Hon'ble Apex Court. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial has progressed considerably. Four out of ten witnesses have already been examined. Co-accused was suffering from ailments and bail was granted to him by the Hon'ble Apex Court primarily on such consideration.

We have considered the materials on record. There are materials to show recovery of narcotics above commercial quantity i.e. 260 gms. of brown sugar i.e. heroin from the joint possession of the petitioner and co-accused. Bail prayer on merits is fettered by restrictions under Section 37 of the NDPS Act. It is contended co-accused has been enlarged on bail by the Hon'ble Apex Court. Perusing the order, we note one of the considerations which weighed with the Apex Court was the

“precarious health condition” of the said co-accused. No such infirmity is demonstrated before us qua the petitioner.

On the other hand, we note four out of ten witnesses have been examined. Hence, we are not inclined to grant bail to the petitioner on the ground of delay at this stage.

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

We direct the trial court to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)