

13.02.2023
Sl. No.22
akd
[Rejected]

C. R. M. (NDPS) 247 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2023 in connection with Raninagar Police Station Case No.436 of 2019 dated 30.08.2019 under Sections 326/307/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Section 21(c) of the NDPS Act. (NDPS Case No.168 of 2019)

And

In Re: ***Lalon Sk. @ Lalan Sk.***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta
Ms. Madhurai Sinha

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and six months. It is further submitted two witnesses have been examined. There is delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was involved in a case of assault. Pursuant to his disclosure statement, narcotics above commercial quantity i.e. 100 bottles of *phensedyl syrup* and the weapon of offence were recovered. Trial is in progress. Two witnesses have been examined. 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.

The application for bail is thus **rejected**.

Trial court is directed to conduct the trial as expeditiously as possible and conclude the same at an early date preferably within six

months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)