

20.03.2023
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 420 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.03.2023 in connection with Kaliachak Police Station Case No.726 of 2021 dated 13.07.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.59 of 2021)

And

In Re: ***Jakir Sk. @ Dilip Sk.***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits there is vacancy in the trial court.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 500 gms. of *Heroin*, which is above commercial quantity from the petitioner. Delay in trial is due to vacancy in the trial court and cannot be attributed to the prosecution. 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

