

20.03.2023
Sl. No.22
akd
[Rejected]

C. R. M. (NDPS) 424 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2023 in connection with S.T.F. Police Station Case No.47 dated 26.12.2019 under Sections 21(c)/22(c)/29 of the NDPS Act. (NDPS Case No.01 of 2020)

And

In Re: ***Syed Kaju Dewan***

... .. Petitioner

Mr. Rajiv Lochan Chakraborty
Mr. Sumanta Ganguly
Mr. Priyanjit Kundu

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics i.e. 13 kgs. of *Yaba* tablets and 1 kg. of *Heroin*, which are above commercial quantity from the joint possession of the petitioner and co-accused. Trial is in progress. Delay in trial is not wholly attributable to the prosecution but due to systemic reasons i.e. vacancy in the trial court. 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 expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)