

20.03.2023
Sl. No.27
akd
[Rejected]

C. R. M. (NDPS) 429 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with S.T.F. Police Station Case No.10 of 2020 dated 16.02.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.13 of 2020)

And

In Re: ***Jasimuddin Mondal***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Benajir Hasna
Mr. Aliul Islam

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. 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 Advocate for the State opposes the prayer for bail and submits delay was on account of the accuseds or systemic reasons.

We have considered the materials on record. Over 2.5 kgs. of *Heroin* was recovered from the petitioner. Delay was due to systemic reasons and other circumstances which cannot be attributed to the prosecution. Date has been fixed for consideration of charge. 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 consider the issue of framing of charge on the date fixed and if it is unable to do so, positively within two

months thereof and in the event charge is framed, to take the proceeding to its logical conclusion as expeditiously as possible.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)