

21.03.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 436 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 113 of 2020 arising out of Berhampore P.S. Case No.382 of 2020 dated 25.04.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Saddam Sk & Anr.

... Petitioners.

Mr. Tapodip Gupta.

...for the Petitioners.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioners are in custody for more than two years.

They submit there is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 15 grams of heroin from petitioners and co-accused. Four witnesses have already been examined.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

We request the trial court to conclude the trial as expeditiously as possible 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.)