

21.03.2023
Sl. No.21
akd
[Rejected]

C. R. M. (NDPS) 445 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.02.2023 in connection with Asansol North Police Station Case No.196 of 2020 dated 12.08.2020 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.05 of 2020)

And

In Re: ***Rahul Yadav @ Chintu & Ors.***

... .. Petitioners

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Trisha Rakshit

... .. for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about two years and seven months. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits one witness has been examined.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 330 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Materials on record give rise to an inference of interstate trafficking in narcotics. Trial has commenced and examination of a prosecution witness is in progress. 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 petitioners.

The application for bail is thus rejected.

Trial court is directed to conclude the trial with utmost expedition at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)