

21.03.2023.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 443 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 276 of 2020 arising out of Lalgola P.S. Case No.524 of 2020 dated 20.12.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Bablu Sk.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for more than two years. He submits there is delay in trial. Charge has not yet been framed. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits delay was due to vacancy in the trial court.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 50 bottles of phensedyl syrup containing codeine mixture above commercial quantity from the petitioner and the co-accused. Delay in the matter is due to systemic reasons and cannot be attributed to the prosecution.

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 petitioner.

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

Keeping in mind the period of detention suffered by the petitioner, we request the trial court to consider the issue of framing of charge positively within two months from the next date fixed before the said court and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)