

22.03.2023

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rejected

C.R.M. (NDPS) No. 459 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. Police Station Case No. 46 of 2019 dated 21.11.2019 under Sections 22(C)/29 of the NDPS Act.

And

In Re : Seikh Jamal Hossain petitioner

Ms. Sreyashee Biswas

Ms. Piya Goswami

... for the petitioner

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is inordinate delay in trial. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer was rejected earlier on merits. There are materials which show recovery of 10.76 kgs. of Yaba Tablets from the joint possession of the petitioner and co-accused. Trial could not proceed due to non-availability of the Presiding Officer and delay 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.

The application for bail is, thus, rejected.

Trial court is requested to conduct the trial on a day to day basis and conclude the same at an early date preferably by December, 2023 without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)