

23.03.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 462 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 Kaliachak Police Station Case No.38 of 2021 dated 09.01.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Tauhid Sk. @ Touhid***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is no progress in trial.

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

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in November, 2022. Thereafter, prosecution produced witness who was examined in part. Trial was halted due to vacancy in the trial court. In view of the aforesaid circumstances, we are of the opinion prosecution has taken necessary steps to proceed with the trial which was delayed due to systemic reasons. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

