

24.04.2023  
Sl. No.4  
**akd**  
[Rejected]

**C. R. M. (NDPS) 478 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Kaliachak Police Station Case No.111 of 2021 dated 31.01.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.15 of 2021)

And

In Re: ***Mukteazam @ Ismail Sk.***

... .. Petitioner

Mr. Sobhendu Sekhar Roy  
Mr. Amarendra Chakraborty

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial has commenced.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2000 pieces of *Yaba* tablets weighing 206 gms., which is above commercial quantity from the petitioner. Trial has commenced. One witness has been examined in part. 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 petitioner.

The application for bail is thus rejected.

Trial court is directed to conclude the trial as expeditiously as possible without unnecessary delay.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**

