

24.03.2023

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rejected

C.R.M. (NDPS) No. 485 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 13/NCB/KOL/2021 dated 22.04.2021 under Section 8(c) read with Sections 22(c)/29 of the NDPS Act.

And

In Re : Piyaarul Islam petitioner

Ms. Sreyashee Biswas

Ms. Benajir Hasna

Mr. Aliul Islam

... for the petitioner

Mr. Arun Kumar Mohanti

Mr. L. Vishal Kumar

... for the NCB

Learned Counsel for the petitioner submits he is in custody for more than one year. It is also submitted date of recording evidence has been fixed in May, 2023. He renews his bail prayer.

Learned Counsel for the NCB opposes the bail prayer.

We have considered the materials on record. Bail prayer of the petitioner was rejected in April, 2022 on merits. Charge has been framed. It is contended date for recording evidence has been fixed after a considerable time lag. We are conscious of the heavy pressure in the file of the Special Courts dealing with narcotics cases.

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.

We request the trial court to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. In the event the witnesses are not available due to outstation trial court may resort to examination through video conference.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)