

28.03.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 527 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.03.2023 in connection with Raghunathganj Police Station Case No.820 of 2021 dated 24.12.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.05 of 2022)

And

In Re: ***Habibur Rahaman @ Joker & Anr.***

... .. Petitioners

Ms. Sreyashee Biswas
Ms. Benajir Hasna
Mr. Aliul Islam

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about one year and three months. It is further submitted date has been fixed for recording evidence in September, 2023. It is also submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 900 gms. of *methamphetamine*, which is above commercial quantity from the joint possession of the petitioners. Charge has been framed and date has been fixed for examination of prosecution witnesses. It is true prosecution has failed to produce witnesses in the first schedule. However, we wish to give another opportunity to the prosecution to proceed with the custody trial of the petitioner. 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 petitioners.

The application for bail is thus rejected.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)