

28.03.2023.
27.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 544 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.1006 of 2020 dated 08.12.2020 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Sakiul Sk.

... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for two years and five months. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 450 grams of yaba tablets containing amphetamine from the petitioner. One prosecution witness has been examined. Date has been fixed for examining other prosecution witnesses.

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.

Accordingly, the prayer for bail of the petitioner is rejected.

We request the trial court to conclude the trial as early as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

Parties shall communicate the order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)