

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

C.R.M. (NDPS) 545 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 94 of 2021 arising out of Hariharpara P.S. Case No.203 of 2021 dated 24.05.2021 under Sections 21(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Arfan Sk. & Anr.

... Petitioners.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioners are in custody for one year and ten months. They submit there is delay in trial. They renew their prayer 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. 26 kgs. of ganja from the petitioners. Their bail prayer was rejected earlier on merits.

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 petitioners.

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

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)