

28.03.2023.
32.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 549 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 79 of 2020 arising out of English Bazar P.S. Case No.920 of 2020 dated 07.10.2020 under Sections 22(b) of the NDPS Act.

In the matter of : Atul Roy @ Atul Ray.
... Petitioner.

Mr. Avinava Patra.
...for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Petitioner is in custody for two years and six 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. 22 kgs. of ganja from the petitioner.

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.

Trial court is requested to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording prosecution evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)