

30.03.2023.
27.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 594 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.21 of 2021 arising out of Ashokenagar P.S. Case No.122 of 2021 dated 12.02.2021 under Sections 20(b)(ii)(C)/27A/28/29 of the NDPS Act.

In the matter of : Samir Saha.

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for two years and two 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. 390 kgs. of ganja from joint possession of petitioner and co-accuseds.

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 proceed with the trial and conclude the same at an early date preferably within two years from the next date fixed for recording prosecution evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)