

30.03.2023.
30.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 597 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.123 of 2020 arising out of Raninagar P.S. Case No.153 of 2020 dated 29.03.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Utpal Mondal @ Hablu.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for more than three years. It is submitted there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits delay was due to vacancy in the trial court.

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. 227 bottles of phensedyl from petitioner. Delay in the matter was due to vacancy in the trial court.

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 conduct the trial with utmost expedition 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 this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)