

31.03.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 603 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Burtolla Police Station Case No.41 of 2017 dated 23.02.2017 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.11 of 2017)

And

In Re: **Anil Das**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. R. R. Kumar
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Sreeparna Das

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about six years and one month. It is further submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. A large volume of *Charas* was recovered from the petitioner and co-accused. Bail prayer of the petitioner was rejected earlier. Though petitioner is in custody for more than six years, eight witnesses have been examined till date. Prosecution proposes to examine four more witnesses. Delay in the matter cannot be attributed to the prosecution alone. Case was adjourned due to pandemic conditions as well as non-availability of lawyer of co-accused.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

We request the Judge-in-charge to conduct the trial and record the evidence on a day to day basis without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the Judge-in-charge for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)