

04.04.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 637 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection English Bazar P.S. Case No.802 of 2020 dated 08.09.2020 under Section 22(C)/29 of the NDPS Act.

In the matter of : Babor Sk. & Anr.

... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioners are in custody for two years and seven months. They submit there is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

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. 305 grams of brown sugar i.e. heroin from the petitioners

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 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 trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)