

05.04.2023
sdas/ tkm/ct 28
sl no. 7

C.R.M. (NDPS) 643 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Serampore P.S. Case No. 13 of 2021 dated 7.1.2021 under section 21(c) of the NDPS Act

And

In Re : Natanarayan Ghosh @ Jishu petitioner

Mr. S Ghosh Chowdhury

..... for the petitioner

Mr. Saryati Datta

..... for the State

Petitioner is in custody for more than two years. He submits there is inordinate delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits trial is in progress. Six witnesses have been examined. Petitioner has criminal antecedents.

We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of narcotics above commercial quantity i.e. 2.5 ltrs. of codeine mixture from the petitioner. Trial is in progress. Six witnesses have already been examined. At present it cannot be said there is inordinate delay in trial. Petitioner has criminal antecedents.

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.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)