

05.04.2023

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rejected

C.R.M. (NDPS) No. 651 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No. 141 of 2020 dated 20.07.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Parimal Roy petitioner

Mr. Samrat Choudhury
Ms. Ankita Das Chakraborty
... for the petitioner

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta
... for the State

Learned Counsel for the petitioner submits he is in custody for two years and eight months. It is also submitted there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 606 gms. of Heroin above commercial quantity from the joint possession of the petitioner and co-accused. Trial is in progress. One witness has been examined. Delay in the matter is due to vacancy in the trial court and cannot be attributed to the prosecution.

In view of the aforesaid circumstances and 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 prosecution to produce the witnesses and the learned Judge-in-Charge to record their evidence till the vacancy in the court is filled-up.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)