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rejected

C.R.M. (NDPS) No. 739 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 844 of 2019 dated 09.12.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Tonik Sk. @ Tanik Sekh @ Tanik Seikh petitioner

Mr. Tapodip Gupta

... for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... for the State

Learned Counsel for the petitioner submits he is in custody for three years and four months. There is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits three out of seven witnesses have been examined.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 316 bottles of Phensedyl containing Codeine Phosphate above commercial quantity from the possession of the petitioner. Trial has substantially progressed. Delay in the matter was due to vacancy in the trial court.

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.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)