

17.04.2023.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 753 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl. Case No.77 of 2020 arising out of Kaliachak PS Case No.762 of 2020 dated 03.10.2020 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Rajib Aktar @ Rajib Akhtar.
... Petitioner.

Mr. Santanu Talukdar,
Mr. Avinab Patra.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

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

Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for recording prosecution evidence.

We have considered the materials on record. Recovery of narcotics from the petitioner is to the tune of 265 grams of heroin which is above commercial quantity. Charge was framed in July, 2022.

Under such circumstances, we are of the opinion though petitioner is not entitled to bail at this stage, trial court may be directed to expedite the trial.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is directed to conduct the trial 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 due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)