

19.04.2023
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rejected

C.R.M. (NDPS) No. 802 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No. 100 of 2020 dated 09.03.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Bhopal Singh @ Bhopal Singha petitioner

Mr. Tapodip Gupta

... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted trial has not commenced. He prays for bail on the ground of inordinate delay.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was involved in inter-State trafficking of narcotics. Date has been fixed for consideration of charge.

We have considered the materials on record. Petitioner was transporting 400 kgs. of Ganja in a Bolero vehicle. Delay in the matter cannot be attributed to the prosecution alone. In view of the aforesaid circumstances we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so due to circumstances beyond control then positively within two months thereof and in the event charge is framed to take the proceeding to its logical conclusion at the earliest without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)