

25.04.2023.
13.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 857 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.11 of 2017 arising out of Burtolla P. S. Case No.41 of 2017 dated 23.02.2017 under Sections 20(b)(ii)(C)/29 of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(C)/29 of the NDPS Act.

In the matter of : Sk. Samsher Alam @ Shamsheer Alam.
... Petitioner.

Mohammad Khairul.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.
...for the State.

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

Learned Advocate for the State opposes the bail prayer. He submits bail prayer of co-accused was turned down by this Court in March, 2023.

We have considered the materials on record. Large volume of charas was recovered from petitioner and co-accused. Bail prayer of co-accused was turned by this Court in March, 2023. Trial has progressed to a considerable extent and delay cannot be attributed to the prosecution alone.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

We request the Judge-in-charge to conduct the trial and record the evidence on a day to day basis without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the Judge-in-charge for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)