

01.05.2023
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 907 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2023 in connection with Burdwan Police Station Case No.670 of 2019 dated 29.08.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Bijoy Mahapatra***

... .. Petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajashree Tah

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four years. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits the petitioner hails from a different State. Trial is in progress. Seven witnesses have already been examined.

We have considered the materials on record. Though the petitioner is in custody for a substantial period of time, offence involves recovery of narcotics above commercial quantity i.e. 58 kgs. of *Ganja* from him at a bus stop in Burdwan. Trial is in progress. Seven witnesses have already been examined. Prosecution proposes to examine six more witnesses. Under such circumstances and in view of the 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 fix schedule at regular intervals and conclude the trial at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)