

12.05.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 967 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.05.2023 in connection with Entally Police Station Case No.69 dated 19.03.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.23 of 2020)

And

In Re: **Md. Nazim**

... .. Petitioner

Mr. Sourav Chatterjee
Mrs. Pampa Dey (Dhabal)
Mr. Nikhil Kr. Gupta

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and two months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 1.518 gms. of *charas*, which is above commercial quantity from the petitioner. Trial is in progress. Four out of eight witnesses have already been examined. Under such 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 conduct the trial by fixing schedules at regular intervals and conclude the same 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.)