

16.05.2023

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rejected

C.R.M. (NDPS) No. 983 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 65 of 2020 dated 24.01.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Chandan Sadhukhan @ Sadhukan petitioner

Mr. Soumya Basu Roy Chowdhury
... for the petitioner

Mr. Sanjoy Bardhan
Ms. Debjani Dasgupta
... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance above commercial quantity i.e. 110 kgs. of Ganja from two vehicles. Petitioner was present in one of the vehicles. Trial is in progress. Three witnesses have already been examined. Delay in the matter is due to absence of the learned trial Judge. This cannot be attributed to the prosecution. Under such circumstances we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)