

07.07.2023.
D/L 17
Ct.No.28
SKB
(Rejected)

C.R.M. (NDPS) 1233 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dalkhola P. S. Case No.37 of 2022 dated 25.01.2022 under Sections 21(C)/29 of the NDPS Act (Spl. NDPS Case No.09 of 2022).

In the matter of : Astab Ali @ Estab Ali @ Md. Astab Ali
.... Petitioner

Mr. Kaushik Chowdhury,
Mr. Gourhari Das
... for the Petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State

Petitioner is in custody for 528 days. He submits there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 330 gms. of heroin from the petitioner which is above commercial quantity.

Under such circumstances and in view of statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to expedite the trial and conclude the same at an early date 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.)