

18.07.2023
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 1246 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.06.2023 in connection with Ghola Police Station Case No.213 of 2020 dated 05.06.2020 under Sections 8(c)/21/25/29 of the NDPS Act.

And

In Re: **Md. Guljar**

... .. Petitioner

Mr. Supratick Syamal
Sk. Akhtar Hossain
Ms. Somosreedebi Dutta

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

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

Report is placed on record.

Learned Advocate for the State submits petitioner had resorted to dilatory tactics and prayed for adjournment of cross-examination of prosecution witnesses.

We have considered the materials on record. Narcotics i.e. 738.4 kgs. of *codeine phosphate* was recovered from two vehicles. Petitioner was the driver of one of the vehicles. In view of the aforesaid fact, we are of the opinion there are materials to show petitioner was actively involved in the transportation of narcotics above commercial quantity. Trial has already commenced and two witnesses have been examined. Petitioner has sought for adjournment of cross-examination of prosecution witnesses and delay cannot be wholly attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

However, bearing in mind the protracted period of detention suffered by the petitioner, we direct the trial court to expedite the trial by fixing schedules at short intervals and conclude the same at an early date preferably within two years 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.)