

18.07.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 1273 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.07.2023 in connection with Belgharia Police Station Case No.526 of 2021 dated 07.08.2021 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Suman Biswas***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years. It is further submitted he has been falsely implicated. Independent witnesses do not support the seizure. Accordingly, he prays for bail.

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

We have considered the materials on record. Narcotics i.e. 20.5 kgs. of *Ganja* was recovered from the petitioner. Trial is in progress. Though independent witnesses have been examined, official witnesses are yet to be examined. 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 conclude the trial as expeditiously as possible 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.)