

27.07.2023  
Sl. No.11  
**akd**  
[Rejected]

**C. R. M. (NDPS) 1317 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Asansol North Police Station Case No.221 of 2020 dated 15.09.2020 under Sections 20(b)(ii)/29 of the NDPS Act. (NDPS Case No.7 of 2020)

And

In Re: ***Arbinda Haribansa Yadav @ Arbinda Yadav***

... .. Petitioner

Mr. Anghsuman Chakraborty  
Mr. Shashanka Shekhar Saha

... .. 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 and ten 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 and submits trial is in progress. Narcotics i.e. 50.75 kgs. of *Ganja* in all was recovered from the petitioner and co-accused.

We have considered the materials on record. There are materials showing involvement of the petitioner in trafficking narcotics above commercial quantity. 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 on merits.

On the score of delay, we note trial is in progress and witnesses have already been examined. Under such circumstances, we are not inclined to grant bail to the petitioner on this score also.

The application for bail is thus rejected.

Trial court is directed to expedite the trial 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.)**