

01.08.2023.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1341 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Howrah Government P.S. (Howrah GRPS) Case No.14 of 2021 dated 13.03.2021 under Sections 20(C)/29 of the NDPS Act.

In the matter of : Asraf Sekh @ Asrof Sk @ Asrap.
... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for over two years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity from the possession of the petitioner and co-accused.

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

On the score of delay, we note though petitioner has suffered incarceration for more than two years, trial has considerably progressed.

Hence, we are not inclined to grant bail to him on this score too.

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

However, we request the trial court to conduct the trial with utmost expedition, fix schedules at short intervals and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)