

15.03.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 8092 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 13 of 2020 arising out of Kaliachak P.S. Case No.91 of 2020 dated 02.02.2020 under Section 21(c) of the NDPS Act.

In the matter of : Mahabub Rahaman @ Empha.
... Petitioner.

Mr. Sandip Chakraborty,
Mr. Koustav Das.
...for the Petitioner.

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

Petitioner is in custody for more than three years. He submits he had been enlarged on interim bail on humanitarian ground to attend to his wife's medical treatment. He did not violate the conditions of bail. There is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents. Delay in trial was due to pandemic conditions as well as vacancy in the trial court.

We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of 410 grams of heroin which is above commercial quantity. Petitioner is booked in another case involving trafficking in heroin but he is on interim bail in that case. However, it is undeniable that the petitioner has criminal antecedents. Delay in the matter is due to pandemic conditions prevailing in 2020-2021 and the vacancy in the trial court. We are informed that

the Judge has recently joined the post. Delay in the matter cannot be wholly attributed to the prosecution.

Under such circumstances and in view of criminal antecedents of the petitioner, we are not inclined to grant bail to the petitioner.

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

We request the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed before it without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)