

21.08.2023.
01.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1413 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case being No.48 of 2022 arising out of Rahara P.S. Case No.122 of 2022 dated 24.04.2022 under Sections 21(C) of the NDPS Act.

In the matter of : Moni Roy @ Mani Roy.
... Petitioner.

Mr. Subhrajyoti Ghosh.
...for the Petitioner.

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

1. Petitioner is in custody for 484 days. He submits there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits trial has already commenced. Two witnesses have been examined.
3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of narcotics above commercial quantity i.e. 1.5 ltrs. of codeine mixture from the petitioner.
4. In view of the aforesaid fact and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.
5. On the score of delay, we note trial has commenced and two witnesses have already been examined.

6. Under such circumstances, petitioner has failed to make out a case of breach of his fundamental right to speedy trial and may not be entitled to bail on such score too.

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

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)