

28.08.2023
as/tkm/ct 28
sl no. 10

C.R.M. (NDPS) 1450 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Swarupnagar P.S case no. 426/2022 dated 26.4.2022 under section 21(C) of the NDPS Act

And

In Re : Sahabuddin Baidya @ Babu Sona petitioner

Mr. M H Chowdhury
M Alam

..... for the petitioner

Mr. S Bardhan
Ms. Baishakhi Chatterjee

..... for the State

1. Petitioner is in custody for more than a year. He submits there is delay in disposal of the case. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He submits two witnesses have been examined.
3. We have considered the materials on record. Recovery from the petitioner is above commercial quantity.
4. 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 point of delay, we note after the rejection of bail by this court in December 2023 charge has been framed and two witnesses have already been examined. It cannot be said that the prosecution is slack in conducting the trial. Hence, we are not inclined to grant bail to the petitioner on this score also.
5. Accordingly, prayer for bail is rejected.

6. We direct the trial court to conclude the trial with utmost expedition preferably within one year from the next date fixed for recording evidence without granting adjournment to either of the parties.
7. Parties shall communicate this order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)