

01.09.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1468 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2023 in connection with Dalkhola Police Station Case No.151 of 2022 dated 14.05.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Md. Sanjar Alam***

... .. Petitioner

Mr. Amit Roy

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 470 days. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. Four out of eight witnesses have been examined.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 300 bottles of *phensedyl* syrup containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioner and co-accused. However, petitioner has prayed for bail on the ground of delay. On this score, we note four witnesses have been examined till date. Hence, we are not inclined to grant bail to the petitioner either on merits owing to statutory restrictions under Section 37 of the NDPS Act or on the ground of delay at present as there is some progress in the matter.

4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial 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.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)