

19.09.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1497 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Farakka Police Station Case No.233 of 2020 dated 22.08.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.193 of 2020)

And

In Re: ***Ganesh Mondal***

... .. Petitioner

Ms. Chandrima Debnath

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over three years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial has substantially progressed. Seven out of ten 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. 350 gms. of *Heroin*, which is above commercial quantity from the petitioner. 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.
4. On the score of delay in trial, we note trial has substantially progressed. Most witnesses have been examined. Only police officers are left. Under such circumstances, we are not inclined to grant bail to the petitioner on the ground of delay too.
5. The application for bail is thus rejected.

6. Trial court is directed to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)