

14.09.2023

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rejected

C.R.M.(NDPS) No. 1526 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bally Police Station Case No. 109 of 2022 dated 03.07.2022 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re : Shamsheer @ Samsher Alam petitioner

Mr. Suman De
Mr. Ranjit Singh

....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

..... for the State

1. Larned Counsel for the petitioner submits he is in custody for one year and two months. It is also submitted that there is there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits 41.95 kgs. of Ganja was recovered from the possession of the petitioner and co-accused. Trial is in progress.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show recovery of 41.95kgs. of Ganja from a vehicle. Petitioner and co-accused were present in the vehicle. In view of the aforesaid facts and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

4. Plea of bail on the ground of delay we note trial has commenced and date has been fixed for examination of the witnesses. Under such circumstances we are not inclined to grant bail to the petitioner on this score also.

5. The application for bail is, thus, rejected.

6. Trial court is directed to conclude the trial as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)