

26.09.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 1580 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with NCB Crime No.06/NCB/KOL/2020 corresponding to RPF/PST/HWN's General Diary No.70 dated 05.02.2020 under Sections 20(b)(ii)(c)/29/35/8(c) of the NDPS Act.

And

In Re: ***Bhim Shankar Dubey***

... .. Petitioner

Mr. Subhadeep Ghosh
Ms. Pramita Banerjee

... .. for the petitioner

Mr. Kallol Mondal
Mr. Subrata Santra

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for more than 3½ years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits delay in the matter was engineered at the behest of the defence. Bail prayer of co-accused viz. Purnima Devi has been turned down by this court in May, 2023 and trial was directed to be concluded preferably within one year from the date of recording evidence. Trial has already commenced.
3. We have considered the materials on record. Bail prayer of co-accused viz. Purnima Devi was turned down in May, 2023 in CRM (NDPS) 962 of 2023. By the said order trial court was directed to conclude the trial preferably within one year from the date of recording evidence. Time frame proposed has not expired as yet. That apart, materials on record show accused has prayed for discharge which postponed the commencement of trial. Delay in the

matter cannot be attributed to the prosecution. Hence, we are not inclined to grant bail to the petitioner on the ground of delay.

4. Materials on record show recovery of narcotics i.e. 39.5 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioner and co-accused. 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 too.
5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)