

26.09.2023
Sl. No.22
akd
[Rejected]

C. R. M. (NDPS) 1592 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Cossipore Police Station Case No.172 of 2020 dated 01.10.2020 under Sections 21(c)/29/27A of the NDPS Act. (NDPS Case No. 57 of 2020)

And

In Re: ***Irfan Khan***

... .. Petitioner

Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and eleven months. 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 bail prayer of co-accused was turned down by this court in April, 2023. Time schedule proposed to conclude trial i.e. one year has not expired as yet.
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. 7 kgs. of *Heroin*, which is above commercial quantity from a vehicle. Petitioner and co-accused were present in the vehicle. 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, we find bail prayer of co-accused had been turned down in April, 2023 and trial court was directed to conclude trial preferably within one year. Time frame so proposed has not

expired as yet. Hence, we are not inclined to grant bail to the petitioner on the ground of delay also.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)