

06.10.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1633 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Karaya Police Station Case No.97 of 2022 dated 21.04.2022 under Section 22(c) of the NDPS Act. (NDPS Case No.32 of 2022)

And

In Re: **Sk. Shahnawaz @ Sameer**

... .. Petitioner

Mr. Subhajit Chowdhury

... .. 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 one year and four months. It is further submitted inspite of a number of schedules, no witnesses were present. Accordingly, he prays for bail on the ground of delay.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. One of the witnesses has already been examined in part.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics i.e. 84 gms. of *methamphetamine*, which is above commercial quantity from the petitioner. Trial has already commenced. 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.
4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial as expeditiously as possible and conclude the same 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.)