

17.11.2023

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rejected

C.R.M. (NDPS) No. 1743 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 369 of 2022 dated 15.05.2022 under Sections 21(c)/22(c)/25/27A/28/29/30 of the NDPS Act.

And

In Re : Asif Ali petitioner

Mr. Arnab Chatterjee

Mr. Nimai Roy

Ms. Poulomi Bose

... for the petitioner

Mr. Sudip Ghosh

Mr. Saryati Datta

... for the State

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

2. Learned Counsel for the State opposes the prayer for bail and submits a large volume of narcotics was recovered from three vehicles. Petitioner was present in one of the vehicles. Bail prayer of the co-accused was rejected earlier. Trial is progressing in terms of direction given by this Court in CRR 1355 of 2023.

3. We have considered the materials on record on merits. We note 49.1 Kgs. of Heroin was recovered from three vehicles. Raw materials to manufacture Heroin were also recovered. Petitioner and co-accused were present in the said vehicles. Bail prayer of the co-accused has been rejected earlier on merits. Petitioner stands on the similar footing with the said co-accused.

Accordingly, we are not inclined to grant bail to the petitioner on merits.

4. With regard to delay in trial we note a learned Single Judge of this Court in CRR 1355 of 2023 directed that trial to be conducted expeditiously. In compliance of such direction trial has substantially progressed. Examination of the third prosecution witness is in progress. In this background we are of the opinion no case for grant of bail on the ground of delay is made out. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Trial court is directed to conduct the trial in terms of directions given by this Court in CRR 1355 of 2023 and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

6. Presence of the investigating officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)