

17.11.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1745 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Dasnagar Police Station Case No.84 of 2020 dated 23.06.2020 under Section 21(c) of the NDPS Act.

And

In Re: **Krishna Sarkar**

... .. Petitioner

Mr. Soumya Basu Roy Chowdhury

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. 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.
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. over 1.8 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. His bail payer was rejected on merits in April, 2023. Thereafter, two witnesses have been examined. Hence, it cannot be said there is delay in progress of trial. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial with utmost expedition by fixing schedules at short intervals and conclude the same at an early

date preferably within six months from the next date fixed for recording evidence.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)