

01.12.2023

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rejected

C.R.M.(NDPS) No. 1900 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No. 380 of 2021 dated 07.10.2021 under Sections 20(b)(ii)(c)/27A/29 of the NDPS Act.

And

In Re : Harish Yadav petitioner

Mr. Subhajit Chowdhury

....for the petitioner

Ms. Amita Gaur

..... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

183.880 kgs. of Ganja was recovered from the joint possession of the petitioner and co-accused. It is contended inspite of direction given by the learned Single Judge in CRR 3949 of 2022 to conclude trial within eight months trial has not progressed at an expected space. However, learned Counsel is unable to place on record the communication of such direction to the trial court. Trial has already commenced and witness has been examined. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are of the opinion petitioner has not yet been make out a case of bail either on merits or on the ground of delay.

3. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)