

11.12.2023
Item No.2
Ct. No. 5
CHC
(Rejected)

C.R.M.(NDPS) 1971 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N 40/2022 arising out of **Bongaon** Police Station Case No.**265/2022** dated **17.03.2022** under Section 21(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Amit Dutta alias Kalu

..... petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha
....for the petitioner

Mr. Debasis Roy, Ld. P.P.
Mr. Soumik Ganguli
....for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, petitioner is in custody for more than 1 year 9 months without the trial concluding any time soon. He points out that, next date fixed for recording the evidence of the prosecution is December 19, 2023.

Learned advocate appearing for the State submits that, commercial quantity of narcotics along with cash were seized from the possession of the petitioner. He submits that out of 6 prosecution witnesses, 4 were examined.

Commercial quantity of narcotics along with cash were recovered from the possession of the petitioner.

Petitioner is therefore, unable to over the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Moreover, the trial is in progress. Out of 6 prosecution witnesses, 4 were examined. At this stage enlarging the petitioner on bail may be inimical to the trial.

The Court is informed that next date for recording evidence of prosecution is on December 19, 2023.

In such circumstances, it would be appropriate to request the learned trial Judge to expedite the trial to the extent possible. He is requested to invoke provisions of Section 309 of the Criminal Procedure Code and not to grant any unnecessary adjournments to any of the parties.

Prayer for bail of the petitioner is rejected.

CRM(NDPS) 1971 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)