

19.12.2023.  
28.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 1972 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N-88 of 2021 arising out of Khardha P.S. Case No.654 of 2021 dated 07.10.2021 under Sections 21(c) of the NDPS Act.

In the matter of : **Prakash Sardar.**

... Petitioner.

Mr. Sabyasachi Mukherjee,  
Mr. Mukesh Khanna,  
Mr. Mrinmay Nandy,  
Syed Neaz Ahmed.

...for the Petitioner.

Mr. Sujan Chatterjee.

...for the State.

1. Petitioner is in custody for more than two years. He contends there is delay in trial. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. There are ample evidence showing recovery of narcotics i.e. 1.2 ltrs. of codeine phosphate from the petitioner. Trial is in progress. Five witnesses have been examined.
4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**