

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023
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sdas
rejected

C.R.M. (NDPS) No. 237 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 748 of 2018 dated 26.10.2018 under Sections 20(b)(ii)(c)/25 of the NDPS Act.

And

In Re : Rohit Ram petitioner

Ms. Ashima Mandla

... for the petitioner

Mr. Ujjwal Luksom

Mr. Saikat Chatterjee

... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted there is delay in trial.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. The petitioner approached the Hon'ble Apex Court in Application No. 1860 of 2022. In Special Leave to Appeal (crl.) No. 810 of 2021. In order dated 21.11.2022 the Hon'ble Apex Court gave liberty to the petitioner to seek bail in the event the trial is not completed within four months. Time frame has not expired. Hence, we are of the considered view that the application for bail is premature.

Accordingly, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Petitioner is at liberty to renew his prayer for bail upon completion of the aforesaid time frame.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)