

05.12.2023.
4/tkm

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri P.S case no.1072 of 2021 dated 28.8.2021 under sections 20(b)(ii)(c) of the NDPS Act.

...for the Petitioner

...for the State.

1. Petitioner contends there is violation of section 52A of the NDPS Act. It is also contended trial is progressing at a slow pace inspite of direction by this court in CRM (NDPS) 32 of 2023 that it should be concluded preferably within nine months from the date of the order. Hence, he prays for bail.
2. Learned lawyer for the State submits prosecution evidence is almost complete and trial is at its fag end. Ten prosecution witnesses have already been examined.
3. We have considered the materials on record. A large volume of narcotics was recovered from the petitioners. Trial has substantially progressed. Issue with regard to non-compliance of section 52 of the NDPS Act requires to be thrashed out in the light of the entire evidence on record. It may also be pertinent to note earlier direction of this court

to conclude trial within a time frame was not communicated to the trial judge.

4. In this backdrop and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. Accordingly, prayer for bail is rejected.
6. Trial court is directed to conclude the trial as expeditiously as possible.

(Apurba Sinha Ray,J.)

(Joymalya Bagchi, J.)