



Crl.O.P.No.13660 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who was arrested and remanded to judicial custody on 08.12.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act, in Crime No.791 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.12.2021, at about 08.35 hours, on receipt of a secret information about the illegal transport of Narcotic Substance, the Sub-Inspector of Police along with his team went to the place of occurrence, wherein, the petitioner along with the other accused were found in illegal transportation of 21.5 kilograms of Ganja and the respondent have seized the contraband and arrested the accused. Hence the case.

3.The learned counsel for the petitioner would submit that this is the second application for bail and this Court had earlier dismissed the bail application filed by the petitioner in Crl.O.P.No.7131 of 2023 on



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10.04.2023 with a direction to the learned trial Judge to complete the trial as expeditiously as possible preferably, within a period of three months from the date of receipt of a copy of the order. However, there is no progress in the trial and thereby, the petitioner has sought for bail on the ground of delay.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that it is a case of recovery of commercial quantity of 21.5 kgs of Ganja and the petitioner is a native of Tripura. He would further submit that this Court finding that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act, had dismissed the earlier bail application on 10.04.2023 with a direction to complete the trial as expeditiously as possible preferably, within a period of three months from the date of receipt of a copy of the order. He would further submit that there are totally six witnesses in this case and the case now stands posted for trial on 23.06.2023. He would also submit that the respondent will be able to examine the witnesses as expeditiously as possible and three months time given by this Court is also not completed



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and this petition has been filed even prior to that. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Special Public Prosecutor, this Court is of the opinion that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act and further, the case now stands posted for trial on 23.06.2023, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. However, the learned trial Judge is directed to strictly comply with the order passed by this Court in Crl.O.P.No.7131 of 2023 dated 10.04.2023.

20.06.2023

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