

19.01.2024
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 126 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2024 in connection with Sankrail Police Station Case No.1527 of 2021 dated 24.12.2021 under Sections 20(b)(ii)(c)/25/27A/28/29 of the NDPS Act.

And

In Re: ***Bishnu Saha***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Mr. Bidyut Kumar Roy
Mr. Antarikhya Basu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is inordinate delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused was turned down in December, 2023 and direction was given to conclude trial within one year.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. over 600 kgs. of *Ganja*, which is above commercial quantity from the petitioner and co-accused. Bail prayer of co-accused was turned down in December, 2023 and trial was directed to be concluded within one year. Time schedule has not expired as yet. In the meantime, trial has commenced and two witnesses have already been examined. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)