

31.01.2024
Sl. No.17
akd
[Rejected]

C. R. M. (NDPS) 195 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.01.2024 in connection with STF Police Station Case No.08 of 2021 dated 26.03.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.12 of 2021)

And

In Re: ***Abdullah Khandakar @ Mama @ Abdulah Khandakar***
... .. Petitioner

Mr. Sourav Chatterjee
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years and ten months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner and co-accused were apprehended with narcotics i.e. 7.08 kgs. of *Heroin*. They are involved in interstate transportation of *Heroin*.
3. We have considered the materials on record. There are ample materials implicating the petitioner in interstate transportation of *Heroin* above commercial quantity. Though petitioner is in custody for a considerable period of time, delay in the matter is not wholly attributable to the prosecution. There are systemic and other reasons which contributed to the delay. Under such circumstances and in view of the nature of crime involving interstate trafficking of narcotics, we are not inclined to grant bail to the petitioner either on merits on the score of delay in trial.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)