

07.02.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 238 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2024 in connection with NCB Crime No.69/NCB/KOL/2021 under Sections 8(c)/22(c)/29 of the NDPS Act.

And

In Re: ***Rejaul Sekh @ Rejaul Sk. @ Rejaul Shekh***
... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. Gouranga Kr. Das
... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about two years and six months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier on merits. That apart, petitioner took time on repeated occasions and contributed to the delay.
3. We have considered the materials on record. Allegations involve recovery of narcotics i.e. 374 gms. of *Yaba* tablets which attracts restrictions under Section 37 of the NDPS Act in the matter of bail on merits. However, petitioner contends there is delay in trial.
4. We have gone through the order sheets annexed to the application. On a number of times petitioner was unrepresented before the trial court. This compelled the trial court to assign a lawyer from the Legal Services Committee to represent the petitioner. Under such circumstances, it cannot be said delay in the matter is at the behest

of the prosecution. Hence, we are not inclined to grant bail to the petitioner on the ground of delay.

5. The application for bail is thus rejected.
6. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date. Parties shall cooperate with the trial court in that regard.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)