

23.02.2024
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 357 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2024 in connection with Baranagar Police Station Case No.57 of 2022 dated 27.01.2022 under Section 21(c) of the NDPS Act.

And

In Re: **Suman Das**

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Anghsuman Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years. 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 majority of the witnesses have been examined.
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. 1.5 kgs. of *codeine mixture*, which is above commercial quantity from the petitioner. Trial has considerably progressed. 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 either on merits or on the ground 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.)