

09.04.2024
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 475 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Jalangi Police Station Case No.324 of 2022 dated 20.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.207 of 2022)

And

In Re: ***Shyamal Mondal***

... .. Petitioner

Mr. Tanmoy Biswas
Mr. Amit Roy
Ms. Puja Kar
Ms. Antara Mukherjee

... .. for the petitioner

Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and eight 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 delay was due to non-availability of chemical examiner's report. Supplementary charge sheet containing chemical examiner's report showing presence of *Ganja* in the sample has been placed before the trial court. He assures the court that charge shall be framed shortly and trial shall be concluded at an early date.
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. 34.990 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioner and co-accused were inside the vehicle. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.

4. On the score of delay, we note delay was due to systemic reasons.

Prosecution assures this court that charge shall be framed shortly and trial shall be concluded at an early date. Hence, we are not inclined to grant bail to the petitioner at this stage on the score of delay in trial.

5. The application for bail is thus rejected.

6. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution. Parties shall cooperate with the trial court in this regard.

7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)