

12.04.2024
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 502 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.02.2024 in connection with NDPS Case No. T.R. 53 of 2021 arising out of NCB Crime No. 77 of 2021 under Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: **James Nayak**

... .. Petitioner

Mr. Ayan Bhattacharjee
Mr. Joydeep Mishra
Mr. Ranajit Ray

... .. for the petitioner

Mr. Sourav Chatterjee
Mr. Sagar Saha

... .. for the NCB

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 50 kgs. of *Ganja*, which is above commercial quantity from the luggage of the petitioner while he was travelling in a bus. His bail prayer was rejected earlier on merits. Accordingly, we are not inclined to grant bail to the petitioner on merits.
3. On the score of delay, it is contended petitioner is in custody for about two years and six months. There is no likelihood of trial concluding in the near future.
4. Learned Advocate for the NCB submits trial was stalled as one of the co-accused had moved an application for quashing being CRR 884 of 2023. However, proceedings have not been stayed in the said matter.

5. We note that the accused persons have not regularly appeared before the trial court. They had approached this court for quashing. Delay in the matter is not wholly attributable to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner on the score of delay in trial.
6. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)