

09.04.2024
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 524 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.03.2024 in connection with Raiganj Police Station Case No.831 of 2021 dated 23.09.2021 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Sujit Sarkar & Anr.***

... .. Petitioners

Sk. Toslim Ali

... .. for the petitioners

Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and six months. It is further submitted there is inordinate delay in trial. Accordingly, they pray for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits seven out of twelve witnesses proposed to be examined is complete. Other witnesses shall be examined shortly. He assures this court that trial shall be concluded within six months from the next date fixed for recording evidence subject to cooperation by the defence and other systemic delays.
4. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 51 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioners were present inside the vehicle. 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 petitioners on merits.

5. On the score of delay, we note trial has substantially progressed.
Prosecution assures this court that trial shall be concluded within six months from the next date fixed for recording evidence. Hence, we are not inclined to grant bail to the petitioners at this stage on the score of delay in trial.
6. The application for bail is thus rejected.
7. 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.
8. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)