

08.04.2024.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 610 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.21 of 2021 arising out of Ashokenagar P.S. Case No.122 of 2021 dated 12.02.2021 under Sections 20(b)(i)(C) of the NDPS Act.

In the matter of : **Samir Saha.**

... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the Petitioner.

Ms. Sujata Das.

...for the State.

1. Petitioner prays for bail on the ground of delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits bail prayer of petitioner was rejected in March, 2023. At that time this Court requested the trial court to conclude the trial within two years from the next date fixed for recording evidence. The time frame has not expired.

3. We have considered the materials on record. There are ample evidence showing recovery of 390 kgs. of ganja from petitioner and co-accused. Trial is in progress. Bail prayer of petitioner was rejected in March, 2023. At that time this Court directed trial to be concluded preferably within two years from the next date fixed for recording evidence. Thereafter, trial has proceeded and the time frame has not yet expired.

4. In view of the gravity of offence, volume of narcotics recovered and in the light of statutory restrictions under

Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.

5. On the score of delay, we note trial is in progress and the proposed time schedule as per order dated 30.03.2023 in CRM (NDPS) 594 of 2023 has not expired.

6. Hence, we are not inclined to grant bail on this score too.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)