

09.04.2024.
21.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 627 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.56 of 2021 arising out of Bizpur P.S. Case No.341 of 2021 dated 31.07.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Raja Das.**

... Petitioner.

Mr. Debasis Kar.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui.

...for the State.

1. Petitioner is in custody for more than two years. He submits there is inordinate delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends delay is due to non-appearance of the defence lawyer. He submits report.

3. We have considered the materials on record. 4 kgs. of codeine mixture was recovered from petitioner and co-accused. Charge was framed in 2022. Thereafter, petitioner has resorted to various subterfuges to delay the trial. Defence lawyer did not appear before the trial court on a number of dates. On the other hand, petitioner is represented by two lawyers before this Court. This shows a stratagem to protract proceedings before the trial court on one hand and seek bail before the High Court on the other hand. We do not appreciate this practice.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

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

6. Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)