

25.04.2024

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rejected

C.R.M.(NDPS) No. 714 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 10/NCB/KOL/2022 dated 04.03.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Pabitra Nayak & Anr. Petitioners

Sk. Toslim Ali

....for the petitioners

Mr. Krishnendu Bhattacharya

Mr. Sagar Saha

..... for the UOI

1. Learned Counsel for the petitioners submits they are in custody for more than two years. It is also submitted co-accused has been enlarged on bail. Accordingly, they pray for bail.

2. Learned Counsel for the UOI opposes the bail prayer and submits 400 kgs. of Ganja was recovered from the petitioners. They do not stand on the same footing with the co-accused who have been enlarged on bail.

3. We have considered the materials on record. 400 kgs. of Ganja was recovered from the petitioners and co-accused who is a child in conflict with law. In view of the fact that the co-accused was a child in conflict with law, he has been enlarged on bail by the Hon'ble Apex Court. No narcotics was recovered from other accused who have been released on bail.

Petitioners cannot claim parity with them. On the score of delay we note two out of five witnesses have already been examined. Next schedule is fixed between 2nd and 5th June, 2024. Prosecution assures to complete trial within six months from the next schedule subject to co-operation by defence and systemic reasons. Under such circumstances we are not inclined to grant bail to the petitioners at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date in the light of the assurance given by the prosecution.

6. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)