

46.
Court
No.28

12.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 830 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Bagda Police Station Case No. 644 of 2022**, dated **21.08.2022**.

And

In the matter of: - **Sagar Kirtaniya @ Sagar Kirtania**
...petitioner.
Mr. Angshuman Chakraborty, Adv.,
Mr. Shashanka Shekhar Saha, Adv.
...for the petitioner.
Mr. Sujoy Sarkar, Adv.
...for the State.

The petitioner renews his prayer for bail. His prayer was rejected by a co-ordinate Bench on September 18, 2023, by an order passed in CRM (NDPS) 1299 of 2023. Chemical examination report was taken on record on that date. The report showed presence of *ganja* and codeine phosphate in the sample. Accordingly the prayer for bail was rejected in view of the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner says that since then no appreciable progress has taken place in the trial. Only one out of thirteen witnesses has been examined. The petitioner is in custody for one year and ten months.

We have considered the facts and circumstances of the case and the material on record. We are not inclined to entertain the petitioner’s prayer for bail in view of the restriction in Section

37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The application being CRM (NDPS) 830 of 2024 is accordingly dismissed.

However, since the petitioner has been in custody for a lengthy period of time, the learned Trial Court is requested to spare no efforts to expedite the trial and bring the same to its logical conclusion at the earliest and preferably within a period of one year from the date of communication of this order excluding the official vacations of the Court.

This order is to be communicated to the learned Trial Court by both the parties.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)