

02.01.2024.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 2062 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.85 of 2016 arising out of NCB Crime No.24/NCB/KOL/2016 under Sections 21(C)/25/27A/29 of the NDPS Act and Section 8(C) of the NDPS Act.

In the matter of : **Prafulla Chakraborty & Anr.**

... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioners.

Mr. Sourav Chatterjee,
Mr. Sagar Saha.

...for the NCB.

1. Petitioners are in custody for more than seven years. They contend there is inordinate delay in trial. They renew their prayer for bail.

2. Learned Advocate for NCB opposes the bail prayer. He submits trial is at its fag end. Arguments on behalf of the prosecution are in progress.

3. We have considered the materials on record. Allegations involve possession of narcotics above commercial quantity. Bail prayer of the petitioners was rejected on a number of times earlier on merits. In view of such fact and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. On the score of delay, we note since rejection of bail in November, 2022, trial has progressed with adequate speed and arguments are being advanced before the Trial Court.

5. Keeping in mind the matured stage of the proceeding though we are not inclined to grant bail to the petitioners, we direct the Trial Court to positively conclude the trial within six months from the next date fixed before it without granting unnecessary adjournment to either of the parties.

6. Accordingly, the prayer for bail of the petitioners is rejected.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)