

03.01.2024

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rejected

C.R.M.(NDPS) No. 2086 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 12/NCB/KOL/2021 under Sections 20(b)(ii)(C)/28/29 of the NDPS Act.

And

In Re : Sushanta Dey alias Ravi petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Pinaki Bhattacharyya

Mr. Somnath Adhikary

..... for the N.C.B.

1. Learned Counsel for the petitioner submits he is in custody for two years and ten months. It is also submitted he is not involved in dealing in narcotics. There is delay in trial. Accordingly, he prays for bail.

2. Learned Counsel for the NCB opposes the prayer for bail and submits narcotics was recovered from the house of the petitioner. Trial has commenced.

3. We have considered the materials on record which shows petitioner was involved in dealing in narcotics above commercial quantity i.e. 250 Kgs. of Ganja above commercial quantity. Petitioner was present and arrested at the spot. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. We direct the trial court to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)