

21.01.2025
Item no. 25.
Court No.29.
AB
(rejected)

CRM (NDPS) 1832 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bally P.S. Case No.109 of 2022 Dated 3.7.2022 under Sections 20(b)(ii)(c) of the NDPS Act

And

In the matter of : Sk. Md. Saiyaf @ Saifi Petitioner.

Sk. Toslim Ali for the Petitioner.

Mr. Avishek Sinha
Mr. Atanu Ghosh for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. The petitioner says that he is in custody for two years and six months. On the ground of delay, he prays for bail.
3. We see from the status report that out of 17 charge sheet named witnesses, the prosecution proposes to examine 13 witnesses. 9 witnesses have already been examined. February 6, 2025, is the date fixed for examination of P.W.10.
4. 41 kilograms of ganja i.e., much above commercial quantity, was allegedly seized from the accused persons including this petitioner. We are conscious that the petitioner is in custody for about two years and six

months. However, it cannot be said that the trial is stagnant. There is sufficient progress in the trial. In view of the restrictions under Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The prayer for bail is rejected.
6. CRM (NDPS) 1832 of 2024 is dismissed.
7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as early as possible, without granting unnecessary adjournments to either of the parties.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

