

15.09.2022
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 1044 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2022 in connection with NDPS Case No.N-105 of 2018 vide NCB Crime No. CF No.- SI(VIII)-54/2018 (AIU) dated 05.06.2018 under Sections 22(c)/23(c) of the NDPS Act.

And

In Re: ***Abdul Hamid Mondal***

... .. Petitioner

Mr. Manab Kumar Gupta
Ms. Moumita Gupta

... .. for the petitioner

Mr. Rajesh Kumar Shah

... .. for the UOI

It is submitted on behalf of the petitioner that he is in custody for more than four years.

Learned advocate appearing for the Union of India opposes the prayer for bail and submits 200 gms. of *Amphetamine* was recovered from the baggage which was booked in the name of the petitioner.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 200 gms. of *Amphetamine*, which is above commercial quantity from the baggage which was booked in the name of the petitioner. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

However, in view of the protracted period of detention suffered by the petitioner, we direct the trial court to conclude the trial as expeditiously as possible preferably within six months from the next

date fixed for recording evidence without granting unnecessary adjournments to either of the parties. In the event, official witnesses are unavailable due to transfer or other engagements, trial court will be at liberty to resort to their examination through video conference.

Let a copy of this order be sent to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)