

19.01.2023

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rejected

C.R.M.(NDPS) No. 79 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 690 of 2019 dated 15.09.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Akram Mondal petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sutanuka Chaudhury
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya

... for the State

Learned Counsel for the petitioner submits he is in custody for three years and four months. It is also submitted that there is slow progress in the matter . He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress. Three out of nine witnesses have already been examined.

We have considered the materials on record. There are materials showing recovery of narcotic substance which is above commercial quantity from the petitioner.

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. On the point of delay in trial we note trial has substantially progressed. Three witnesses

have already been examined. Under such circumstances, we are not inclined to grant bail to the petitioner on this score too.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)