

02.02.2023.
26.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 163 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 169 of 2020 arising out of Suti P.S. Case No.331 of 2020 dated 13.07.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Badiruddin Mahaldar @ Naju
Mahaldar & Ors.

... Petitioners.

Mr. Anisur Rahaman.

...for the Petitioners.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Report is placed on record.

Petitioners are in custody for two years and four months.

It is submitted there is inordinate delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. 7 out of 14 witnesses have been examined.

We have considered the materials on record. There are materials showing recovery of 15 ltrs. of codeine mixture from the petitioners. Trial has substantially progressed and seven witnesses have already been examined.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

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

We, however, request the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)