

13.03.2023

11
sdas
rejected

C.R.M. (NDPS) No. 355 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nazat Police Station Case No. 157 of 2020 dated 06.09.2020 under Sections 21(C) of the NDPS Act.

And

In Re : Mushiar Rahaman Molla @ Mashier Rahaman @ Mosiar Molla petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

... for the petitioner

Mr. Saryati Datta

... for the State

Learned Counsel for the petitioner submits he is in custody for two years and six months. Inspite of direction given by the Hon'ble Apex Court in SLP (Crl.) No. 2538 of 2022, there is no progress in the trial.

Learned Counsel for the State opposes the prayer for bail and submits three witnesses have already been examined.

We have considered the materials on record. Statements of the witnesses and contemporaneous documents show recovery of 10 litre of codeine phosphate from the petitioner. That apart, after direction given by the Hon'ble Apex Court in SLP (Crl.) No. 2538 of 2022, three witnesses have already been examined. Hence, it cannot be said there is no progress in the matter. 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 petitioner.

The application for bail is, thus, rejected.

Trial court is directed 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 unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)