

14.03.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 365 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2023 in connection with Airport Police Station Case No.151 of 2020 dated 16.09.2020 under Section 27A of the NDPS Act.

And

In Re: ***Mohammad Shahnabaz @ Mohd. Shehnawaz & Anr.***
... .. Petitioners

Mr. Soujanya Bandyopadhyay
... .. for the petitioners

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi
... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 2½ years. It is further submitted there is delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. above 1100 kgs. of *Ganja* from the petitioners. Trial is in progress. 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.

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 adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

