

17.03.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 393 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 in connection with NCB Crime No.23/NCB/KOL/2018 dated 17.05.2018 under Sections 8(c)/21(c)/29 of the NDPS Act. (NDPS Case No.23 of 2018)

And

In Re: ***Masidur Rahaman***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Kallol Basu

Mr. Pralay Bhattacharyya

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about four years and ten months. It is further submitted there is inordinate delay in trial.

Report is placed on record.

Learned Advocate for the NCB opposes the prayer for bail and submits trial has substantially progressed.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 700 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity from a vehicle. Petitioner was apprehended from the vehicle. Trial has considerably progressed. Five out of 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 petitioner.

The application for bail is thus rejected.

Trial court is directed to conduct the trial as expeditiously as possible 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.)