

22.03.2023

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sdas
rejected

C.R.M. (NDPS) No. 457 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No. 14 of 2018 dated 07.01.2018 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Md. Irshad @ Md. Shadab petitioner

Mr. Mohammad Khairul

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned Counsel for the petitioner submits he is in custody for more than five years. It is also submitted there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded when he had been taken out for medical examination. A separate criminal case was started. It is also submitted that trial is in progress.

We have considered the materials on record. There are materials to show recovery of 1.135 kgs. of charas from his possession. Though there is delay in trial for more than four years, conduct of the petitioner in escaping from custody does not inspire confidence. Three witnesses have already been examined in full and examination of the fourth prosecution witness is in progress. Prosecution proposes to examine another three witnesses. Under such circumstances particularly in view

the conduct of the petitioner we are not inclined to release him on bail at this stage.

The application for bail is, thus, rejected.

We request the trial court to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)