

05.04.2023
sdas/ tkm/ct 28
sl no. 5

C.R.M. (NDPS) 641 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Cossipore P.S. Case No. 172 of 2020 dated 1.10.2020 under section 21(C)/29/27(A) of the NDPS Act

And

In Re : Rabiul Mondal @ Rabi Kana @ Kana Rabi petitioner

Md. Sabir Ahmed

Mr. A H Molla

Ms. R Das

..... for the petitioner

Mr. S Bardhan

Ms. Baishakhi Chatterjee

..... for the State

Petitioner is in custody for more than two years. He submits there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits trial is in progress. Three witnesses have been examined.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in June 2022. Thereafter trial has progressed and three witnesses have been examined. At present it cannot be said there is inordinate delay in trial.

In view of the aforesaid circumstances and the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

Trial court is requested 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 in the view of the submission that the petitioner is suffering from ailments.

Correctional authorities shall render all necessary medical assistance to the petitioner as and when necessary.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)