

05.04.2023
21
sdas
rejected

C.R.M. (NDPS) No. 657 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 70 of 2020 dated 22.01.2020 under Section 21(c) of the NDPS Act.

And

In Re : Sanjoy Mondal petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatun

Ms. June Modak

... for the petitioner

Mr. Anasuya Sinha

Mr. Palash Chandra Majhi

... for the State

Learned Counsel for the petitioner submits he is in custody for three years and two months. It is also submitted recovery is not supported by independent witnesses. There is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress. Six witnesses have already been examined.

We have considered the materials on record. 120 bottles of Phensedyl Syrup were recovered from the petitioner. Absence of independent witnesses requires to be assessed in the light of other evidence on record particularly the evidence of official witnesses during trial. Hence, we are not inclined to grant bail to the petitioner on merits.

We note trial has considerably progressed and six witnesses have already been examined. Under such circumstances we are of the opinion at present petitioner is not entitled to bail on the ground of inordinate delay in trial.

The application for bail is, thus, rejected.

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)