

06.04.2023.  
12.  
Ct.No.28  
(Rejected)

**C.R.M. (NDPS) 672 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl Case No. 57 of 2020 arising out of Kaliachak P.S. Case No.542 of 2020 dated 10.07.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Babor Ali & Anr.

... Petitioners.

Mazhar Hossain Chowdhury,  
Ms. Mobashshara Alam.

...for the Petitioners.

Mr. Madhususan Sur, Id. A.P.P.,  
Mr. Arabinda Manna.

...for the State.

Petitioners are in custody for two years and nine months.

There is inordinate delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

He submits trial is in progress.

We have considered the materials on record. There are ample materials showing recovery of narcotics above commercial quantity i.e. 258 grams of brown sugar from the petitioners. Trial has progressed to some extent. Hence, we are not inclined to grant bail to the petitioners at this stage.

Accordingly, the prayer for bail of the petitioners is rejected.

Trial court is directed to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court for due compliance.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**