

18.04.2023
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 775 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2023 in connection with Pragati Maidan Police Station Case No.34 of 2019 dated 07.03.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.25 of 2019)

And

In Re: **Bapi Molla**

... .. Petitioner

Mr. Sutanuka Chowdhury

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four years and one month. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits five witnesses have already been examined.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 520 gms. of *Heroin*, which is above commercial quantity from the petitioner. Trial has considerably progressed. 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 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)