

01.05.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 898 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2023 in connection with Mothabari Police Station Case No.157 of 2020 dated 16.04.2020 under Section 27 of the Drugs and Cosmetics Act, 1940 read with Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sayed Ali Khan & Anr.**

... .. Petitioners

Mr. Avinaba Patra
Mr. Partha Sarathi Das
Ms. Shanta Sarkar

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than three years. It is further submitted there is slow progress in trial. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits three out of nine witnesses have already been examined. Bail prayer of petitioner no.2 has been turned down in April, 2022.

We have considered the materials on record. Narcotic substance above commercial quantity was recovered from the petitioners. A coordinate Bench of this court turned down the bail prayer of petitioner no.1 in November, 2021 and directed the trial court to conclude the trial preferably within fifteen months. Thereafter, bail prayer of petitioner no.2 has been rejected in April, 2022. Delay in the matter was due to non-availability of chemical examiner's report. However, three witnesses have already been examined. 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 petitioners.

The application for bail is thus 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 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.)