

01.05.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 902 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.04.2023 in connection with Gopalnagar Police Station Case No.119 of 2020 dated 06.03.2020 under Section 21(c) of the NDPS Act.

And

In Re: ***Surjal Mondal***

... .. Petitioner

Mr. Ashok Kumar Chowdhury
Ms. Oindri Chowdhury
Mr. Debasish Sutradhar

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. 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 trial is in progress. Three out of ten witnesses have 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. 5 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. Trial is in progress. 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 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.)