

16.05.2023

8
sdas
rejected

C.R.M.(NDPS) No. 980 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1129 of 2020 dated 03.11.2020 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Abhinash Mondal petitioner

Mr. Tapodip Gupta
....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for two years and four months. There is slow progress in the trial.

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

We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show recovery of 500 bottles of Phensedyl Syrup containing codeine phosphate from the petitioner. Trial is in progress and four witnesses have already been examined. Under such circumstances and in view of 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 conduct the trial with utmost expedition by fixing dates for examination of the witnesses at regular intervals and conclude the trial 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 co-operate with the investigation.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)