

19.05.2023

15
sdas
rejected

C.R.M.(NDPS) No. 1030 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 615 of 2020 dated 04.11.2020 under Section 21(c) of the NDPS Act.

And

In Re : Sahajul Mondal petitioner

Mr. Surajit Basu
Ms. Ranu Mondal

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

Learned Counsel for the petitioner submits he is in custody for two years and six months. It is also submitted inspite of direction given by a learned Single Judge to conclude the trial within a stipulated time trial has not concluded.

Learned Counsel for the State opposes the prayer for bail and submits the said direction had not been communicated to the trial court. Four out of eight witnesses have been examined.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 5 liters of Codeine Mixture from the petitioner. Trial has progressed substantially.

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 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.

Trial court shall examine the Gazetted Officer at the earliest and in the event there is delay due to his non-availability the witnesses may be examined through video linkage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)