

05.07.2023.
35.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1104 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.186 of 2019 arising out of Suti P.S. Case No.545 of 2019 dated 22.10.2019 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sonadri Mahalder @ Sonardi Mahalder.
... Petitioner.

Mr. Jisan Iqbal Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for three years and eight months. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits two out of ten witnesses have already been examined.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 3000 pieces of yaba tablets from the petitioner. Trial is in progress and two 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 petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to conduct the trial with utmost expedition and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)