

25.07.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 1304 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2023 in connection with Hogalberia Police Station Case No.44 of 2020 dated 24.03.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.28 of 2020)

And

In Re: **Ferdos Ali**

... .. Petitioner

Mr. Debarshi Brahma

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Chandra Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial has been delayed due to abscondence of co-accused.

We have considered the materials on record. Prosecution evidence had already been recorded against the petitioner. At the stage of his examination under Section 313 of the Code of Criminal Procedure, absconding accused was rearrested and put on trial. This has delayed the proceeding. Under such circumstances and in view of the evidence adduced against the petitioner showing his involvement in possession of narcotics above commercial quantity, we are of the opinion this is not a fit case 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)