

13.09.2023
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 1517 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2023 in connection with Malda Town GRP Police Station Case No.09 of 2022 dated 12.03.2022 under Sections 22(c)/27A/28/29 of the NDPS Act. (NDPS Case No.45 of 2022)

And

In Re: ***Mamuni Das Ghosh & Anr.***

... .. Petitioners

Mr. Prabir Majumder
Mr. Snehanshu Majumder

... .. for the petitioners

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 600 days. It is further submitted there is delay in trial. Accordingly, they renew their prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits three witnesses have already been examined.
3. We have considered the materials on record. Bail prayer of the petitioners was rejected on merits in August, 2022. Materials on record show recovery of 20,000 *methamphetamine* tablets from the petitioners and others. Trial is in progress and three witnesses have already been examined. 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 petitioners either on merits or on the ground of delay.
4. The application for bail is thus rejected.
5. Keeping in mind the protracted period of detention suffered by the petitioners, we direct the trial court to conduct the trial as expeditiously as possible preferably within two years from the next

date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)