

19.09.2023
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 1542 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Pragati Maidan Police Station Case No.34 of 2019 dated 07.03.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.25 of 2019)

And

In Re: ***Sabina Bibi @ Sabina Gazi***

... .. Petitioner

Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for about four years and six months. It is further submitted there is slow progress in trial. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused was rejected on 18.04.2023. Trial Judge was directed to conclude the trial within one year from the said date. Seven out of ten witnesses have already been examined.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 520 gms. of *Heroin*, which is above commercial quantity from the joint possession of petitioner and co-accused. Bail prayer of co-accused was rejected in April, 2023 and this Court directed the trial to be concluded within a year. Trial has substantially progressed. Seven witnesses have already been examined. Under such circumstances, we are not inclined to grant bail to the petitioner either on merits or on the score of delay.

4. The application for bail is thus rejected.
5. We hope and trust trial shall be completed within April, 2024.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)