

25.09.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1577 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.174 of 2021 arising out of Beldanga P.S. Case No.401 of 2021 dated 20.08.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Mojibul Ali @ Majibul Ali @ Rahul.**
... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Bibaswan Bhattacharya.

...for the State.

1. Petitioner is in custody for more than two years. He submitted there is slow progress in trial. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. Five witnesses have been examined.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 37.71 kgs. of ganja from a vehicle. Petitioner was driving the vehicle. Trial is in progress. Five witnesses have already been examined.

4. 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.

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

6. We request the trial Court to conduct the trial with utmost expedition by fixing schedules at regular intervals and conclude the same preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)