

29.09.2023

14
sdas
rejected

C.R.M.(NDPS) No. 1605 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 873 of 2021 dated 28.07.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Malay Mandal @ Bidyan Mandal petitioner

Mr. Mazahar Hossain Chowdhury
....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and two months. It is also submitted that there is delay in trial. Co-accused have been enlarged on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner is in custody for more than two years but only one witness has been examined. Prosecution proposes to examine six witnesses. 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.

4. The application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with expedition 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.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)