

12.10.2023

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rejected

C.R.M.(NDPS) No. 1674 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 416 of 2020 dated 04.12.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Surman Molla @ Chhurman Molla petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and ten months. It is also submitted that there is delay in trial. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail and submits prayer of the petitioner was turned down in April, 2023. Thereafter three witnesses have already been examined.
3. We have considered the materials on record. Bail prayer of the petitioner was turned down in April, 2023 on merits. Thereafter three witnesses have already been examined. It cannot be said that prosecution is lax in proceeding with the trial. Under such circumstances, we are not inclined to grant bail to the petitioner either on merits or on the ground of delay in trial.
4. The application for bail is, thus, rejected.

5. Trial court is requested to conduct the trial by fixing schedules at short intervals and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)