

18.10.2023

9
sdas
rejected

C.R.M. (NDPS) No. 1716 of 2023

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

And

In Re : Ashadul Hoque Mollah petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits delay was due to non-availability of presiding officer in the trial court.

3. We have considered the materials on record. 20,000 pieces of tablets containing Methamphetamine above commercial quantity were recovered from the petitioner. Delay is due to systematic reasons i.e. vacancy in the trial court. 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 utmost 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 due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)