

20.11.2023.  
05.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 1755 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.164 of 2022 arising out of Jalangi P.S. Case No.223 of 2022 dated 04.07.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Mominul Sk.**

... Petitioner.

Mr. Anisur Rahman.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,  
Ms. Trina Mitra.

...for the State.

1. Petitioner is in custody for one year and four months.

He submits there is slow progress in trial. He prays for bail.

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

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents show recovery of 3000 bottles of phensedyl syrup from a Maruti van. Petitioner was present in the vehicle. Matter is pending before the Trial Court for fixing schedule for trial.

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 fix schedule for examination of witnesses at short intervals and to conclude

the trial at an early date preferably within eighteen months from the date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate the order to the Trial Court for due compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**