

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023

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sdas
rejected

C.R.M. (NDPS) No. 193 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 1122 of 2020 dated 05.11.2020 under Sections 17(c)/23(c) of the NDPS Act.

And

In Re : Mahesh Mali petitioner

Mr. Alok Bhowmik

... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Nag

... for the State

Learned Counsel for the petitioner submits he is in custody since November, 2020. It is also submitted that there is delay in trial. He is suffering from ailments. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 900 grams. of brown sugar from the joint possession of the petitioner and co-accuseds. Trial is in progress. 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.

The application for bail is, thus, rejected.

Medical attention be extended to the petitioner whenever necessary.

Trial court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)