

06.06.2023
SL No.27
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 341 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No.05 of 2022 dated 02.01.2022 under Section 21(c) of the NDPS Act.

And

In the matter of : **Mojaffar Ali @ Majafar Ali**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P,

Mr. Biswarup Roy

... For the State.

It is submitted on behalf of the petitioner that since the earlier order of rejection, one witness was examined and there has been slow progress in the trial.

The learned Counsel for the prosecution opposes the prayer for bail and submits that 500gms of brown sugar was recovered from the joint possession of the co-accused. It appears that the earlier application for bail was rejected only on 2nd February, 2023. We have been informed that there are 12 witnesses.

The learned Judge, Special Court, NDPS Act, 2nd Court, Siliguri is requested to expedite the trial and invoke Section 309 of the Cr.P.C. In the event of slow progress in the trial and the reason for delay is not attributable to the petitioner, the prayer for renewal of bail may be made after one year.

Accordingly, the application for bail is rejected and disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)