

29.01.2024.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 174 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.202 of 2021 arising out of Kandi P.S. Case No.505 of 2021 dated 22.09.2021 under Section 22(c) of the NDPS Act.

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

... Petitioner.

Mr. Manas Kr. Das,
Mrs. Shabana Hasin,
Mr. Aritra Kr. Thakdar,
Ms. Samima Akter Banu.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.
Ms. Rita Dutta.

...for the State.

1. Petitioner is in custody for two years and four months. He submits there is slow progress in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected in May, 2023. Thereafter, four witnesses have been examined.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in May, 2023. Thereafter, charge has been framed in August, 2023 and in the course of next schedule in November, 2023, four witnesses have been examined. This shows trial has considerably progressed since rejection of bail by this Court.

4. Hence, we are not inclined to grant bail either on merits or on the ground of delay.

5. Accordingly, prayer for bail of the petitioner is rejected.

6. We request the trial court to conduct the trial with utmost expedition and conclude the same at an early date preferably within eight months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)