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rejected

C.R.M.(NDPS) No. 261 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No. 444 of 2021 dated 29.11.2021 under Sections 21(c)/25/28/29 of the NDPS Act.

In Re : Jaber Ali Shaikh

Mr. Debanshu Ghorai
Mr. Anisur Rahman
Mr. Binay Shaw
.....for the petitioner

Mr. Debasish Roy, learned PP
Ms. Mamata Jana
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 760 days. It is also submitted there is slow progress in trial. He prays for bail.

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

3. We have considered the materials on record. 3kgs. of Heroin was recovered from the vehicle of a co-accused Samim Mallick. Pursuant to the statement of Samim Mallick residence of the petitioner was raided and 1.037 kgs. of Morphine and controlled substances to prepare narcotics were recovered. Trial is in progress and three witnesses have been examined. One witness has received threats. Under such circumstances bail prayer of co-accused Samim Mallick was turned down in December, 2023. Hence, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. Trial court is directed to render necessary protection to the witnesses and proceed with the trial with expedition.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)