

13.02.2024
Sl. No.26
akd
[Rejected]

C. R. M. (NDPS) 297 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2024 in connection with Nischinda Police Station Case No.114 of 2021 dated 09.07.2021 under Sections 20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: ***Mofijul Miya @ Mofizul Miya @ Nadda & Ors.***

... .. Petitioners

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Manas Das
Mr. Akash Sarkar

... .. for the petitioners

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and seven months. It is further submitted there is inordinate delay in trial. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits most of the prosecution witnesses have been examined. Only Investigating Officer and the chemical examiner are yet to be examined.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 221 kgs. of *Ganja*, which is above commercial quantity from three vehicles. Petitioners were arrested from the said vehicles while transporting narcotics. Trial has substantially progressed and nine witnesses have been examined till date. We are assured only two more witnesses i.e. Investigating Officer and chemical examiner would be examined. In view of the

aforesaid state of affairs, we are of the opinion no case for bail either on merits or on the ground of delay in trial has been made out.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)