

13.02.2024
Sl. No.25
akd
[Rejected]

C. R. M. (NDPS) 296 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 Naihati Police Station Case No.27 of 2022 dated 19.01.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Alamgir Hussain @ Vinda***

... .. Petitioner

Mr. Subhajit Chowdhury

... .. for the petitioner

Mr. Sudip Ghosh
Ms. Baisakhi Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and one month. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial has considerably progressed and five witnesses have been examined. Petitioner has criminal antecedents.
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. 2 kgs. of *codeine mixture*, which is above commercial quantity from the petitioner. Five witnesses have already been examined and we are assured trial shall be concluded in the near future. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner either on merits or on the ground of delay in trial.
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 eight months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in that regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)