

13.03.2024
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 484 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.03.2024 in connection with Baishnabnagar Police Station Case No.88 of 2022 dated 27.01.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: ***Masiur Rahaman @ Mosidur Rahaman & Anr.***

... .. Petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

... .. for the petitioners

Ms. Subhasree Patel

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and two 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 ten out of fourteen witnesses have already been 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. 1490 bottles of *phensedyl syrup*, which is above commercial quantity from a vehicle. Petitioners were inside the vehicle. Trial has substantially progressed. Ten witnesses have already been examined. Prosecution assures the court that the trial shall be concluded within six months from the next date fixed for recording evidence subject to cooperation of the defence and systemic delays. Under the aforesaid circumstances and in view of the assurance given by the prosecution, we are not inclined to grant bail to the petitioners either on merits or on the ground of delay in trial.

4. The application for bail is thus rejected.
5. We direct the trial court to expedite the trial in the light of the assurance given by the prosecution.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)