

19.03.2024.
21.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 522 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.8 of 2022 arising out of Hastings P.S./DD Case No.17 of 2022 dated 10.02.2022 under Sections 20b(ii)(c)/29 of the NDPS Act.

In the matter of : **Md. Ikbal @ Ikbal.**

... Petitioner.

Mr. Hamidur Rahaman.

...for the Petitioner.

Ms. Mamata Jana.

...for the State.

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

2. Learned Advocate for the State opposes the bail prayer. She contends narcotics above commercial quantity i.e. 36.330 kgs. of ganja was recovered from petitioner and co-accused. One witness has been examined in part. She assures this Court trial shall be concluded within eight months from the date fixed for recording evidence subject to co-operation by defence and systemic reasons.

3. We have considered the materials on record. Petitioner and co-accused were carrying ganja. They were apprehended and 36.330 kgs. of ganja in all was recovered. Trial has already commenced and one witness has been examined in part. Prosecution assures this Court trial shall be concluded

within eight months subject to co-operation by defence and other systemic reasons.

4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage.

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

6. Trial court is requested to expedite the trial in the light of the assurance given by the prosecution.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)