

04.04.2024
14
sdas
rejected

C.R.M.(NDPS) No. 540 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matia Police Station Case No. 346 of 2022 dated 06.09.2022 under Section 21(c) of the NDPS Act.

And

In Re : Ajoy Mukherjee @ Ajay Mukherjee Petitioner

Mr. Manas Kumar Das
....for the petitioner

Mr. Avishek Sinha
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted there is slow progress in trial. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits three out of eleven witnesses have been examined.

3. We have considered the materials on record. 115.2 liters of Chlorpheniramine Maleate and Codeine Phosphate Syrup were recovered from the joint possession of petitioner and co-accused. Three out of eleven witnesses have already been examined. Prosecution assures this Court that remaining witnesses shall be examined within one year from the next date fixed for recording evidence subject to co-operation by the

defence and systemic reasons. In view of the aforesaid facts and assurance given by the prosecution we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial in view of assurance given by the prosecution and conclude the same at an early date.

6. Parties shall co-operate with the trial court and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)