

12.04.2024
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 553 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2024 in connection with Alipore Police Station Case No.86 of 2022 dated 24.07.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.58 of 2022)

And

In Re: ***Nurul Hussuan Halder @ Nurul Hasan Halder @ Nurul Hossain Halder***

... .. Petitioner

Ms. Riya Jhapri

... .. for the petitioner

Ms. Minoti Gomes

Mr. Pratick Bose

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than 600 days. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Report is placed on record. From the report it appears prosecution has assured this court that trial shall be concluded within seven months from the next date fixed for recording evidence subject to cooperation by the defence and systemic reasons.
3. We have considered the materials on record. On one occasion co-accused viz. Asta Naskar was absent. Another co-accused viz. Shaikh Rafique @ Toton was not produced from jail custody. Delay in the matter is not wholly attributable to the prosecution. Narcotics i.e. over 100 kgs. of *Ganja* was recovered from the petitioner. He does not stand on the same footing with co-accused who has been enlarged on bail. No narcotics was recovered from the said co-accused. Prosecution assures this court that trial shall be concluded

within seven months from the next date fixed for recording evidence subject to cooperation by the defence and systemic reasons. 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. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)