

27.03.2024
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 550 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2024 in connection with Baishnabnagar Police Station Case No.1057 of 2022 dated 20.12.2022 under Sections 21(c)/25/29 of the NDPS Act. (NDPS Case No.205 of 2022)

And

In Re: ***Kausar Ali @ Md. Kausar Ali @ Kawsar***
... .. Petitioner

Mr. Mazhar Hossain Chowdhury
... .. for the petitioner

Mr. Arani Bhattacharyya
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. Co-accused had been granted pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 347 bottles of *phensedyl syrup* were recovered from a motor van. Petitioner was driving the van. No narcotics was recovered from co-accused. Petitioner does not stand on the same footing with the said co-accused who has been granted pre-arrest bail. Date has been fixed for recording prosecution evidence. Prosecution proposes to examine its witnesses and to conclude trial within one year from the next date fixed for recording evidence subject to cooperation on behalf of the defence and systemic delays.
3. In view of the aforesaid facts including assurance held out by the prosecution to complete trial within a year, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial as expeditiously as possible 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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)