

08.04.2024.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 615 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.19 of 2022 arising out of Karandighi P.S. Case No.93 of 2022 dated 22.02.2022 under Section 21(C) of the NDPS Act.

In the matter of : **1) Ejabul Ali @ Ajabul Hoque &
2) Yakub Ali @ Md. Yakub Ali.**
... Petitioners.

Mr. Kaushik Choudhury,
Mr. Abhishek Kabir.

...for the Petitioners.

Ms. Amita Gaur,
Mr. Dattareya Dutta.

...for the State.

1. Petitioners are in custody for two years and three months. Accordingly, they pray for bail on the ground of delay.

2. Learned Advocate for the State opposes the bail prayer. She submits nine out of eleven witnesses have been examined. She assures this Court trial would be concluded within six months from the next date fixed for recording evidence subject to co-operation by defence and systemic delays.

3. We have considered the materials on record. 30 bottles of phensedyl syrup containing codeine mixture above commercial quantity were recovered from petitioner and co-accused.

4. In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioners in the light of statutory restrictions under Section 37 of the NDPS Act on merits.

5. On the score of delay, we note nine out of eleven witnesses have already been examined. Prosecution assures this Court trial shall be concluded within six months from the next date fixed for recording evidence subject to co-operation by defence and systemic delays.

6. In view of the aforesaid facts and assurance held out by the prosecution, we are not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioners is rejected.

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

9. Parties shall co-operate with the trial court in this regard.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)