

23.04.2024
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 629 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2024 in connection with Kaliachak Police Station Case No.743 of 2020 dated 25.09.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Bajiruddin***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Ms. Amita Gaur

Ms. Debadrita Mondal

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years and seven months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits examination of prosecution witness is almost complete. Seven witnesses have already been examined. Investigating Officers are being presently examined.
3. We have considered the materials on record. Narcotics i.e. 1 kg. of *Heroin*, which is above commercial quantity was recovered from the petitioner. Trial has substantially progressed. Seven witnesses have already been examined. Prosecution assures this court that trial shall be concluded within three months from the next date fixed for recording evidence subject to cooperation by the defence and systemic delays. 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.
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.)