

15.04.2024.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 656 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.61 of 2022 arising out of Chapra P.S. Case No.483 of 2022 dated 09.08.2022 under Sections 21/23/29 of the NDPS Act.

In the matter of : **Noor Jamal Mondal.**

... Petitioner.

Ms. Minoti Gomes,
Mr. Debmalya Das,
Ms. Susmita Mondal.

...for the Petitioner.

Mr. Bitasok Banerjee,
Mr. Sayan Deb Kumar.

...for the State.

1. Petitioner is in custody for one year and eight months. He submits there is slow progress in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits on leading statement of the petitioner 51 bottles of phensedyl syrup were recovered from an abandoned house. Petitioner and others had assaulted the BSF personnel who had undertaken search.

3. We have considered the materials on record. Petitioner and others appear to be daring persons. They had obstructed and assaulted BSF personnel. On his leading statement 51 bottles of phensedyl syrup containing codeine phosphate were recovered. Trial is in progress and six witnesses have been examined. Prosecution assures to conclude the trial within

one year from the next date fixed for recording evidence subject to co-operation by defence and systemic delays.

4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We direct the trial court to expedite the trial in light of the assurance given by the prosecution.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)