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rejected

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 78/NCB/KOL/2021 dated 28.10.2021 under Sections 8(c)/15(c)/29 of the NDPS Act.

Sk. Toslim Ali
....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)
Mr. R. R. Mohanty
..... for the NCB

1. Learned Counsel for the petitioner submits he is in custody for more than two years. There is delay in trial. Accordingly, he prays for bail.

2. Learned Counsel for the NCB submits report. Let the report be kept on record.

3. We have considered the materials on record. 436 kgs. of Poppy Straw was seized from the rented room of the petitioner. Trial is in progress. Two out of ten witnesses have been examined. In the schedule fixed on 6th May, 2024 and 7th May, 2024 prosecution witness, Nantu Ghosh was present but Presiding Officer was busy/absent. This shows promptitude on the part of the prosecution to proceed with trial which could not be done due to systemic reasons. Prosecution assures this Court that trial shall be concluded within eight months from the next

date fixed for recording evidence subject to co-operation by defence and systemic reasons. In view of materials on record and assurance given by the prosecution, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date in the light of the assurance given by the prosecution.

6. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)