

25.04.2024
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rejected

C.R.M.(NDPS) No. 717 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 502 of 2022 dated 18.04.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sahad Ali Mandal @ Sahad Ali Mondal & Anr. Petitioners

Mr. Abhra Mukhrjee
Mr. Sauradeep Dutta
.....for the petitioners

Mr. Kunal Ganguly
..... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than two years. It is also submitted they have been falsely implicated. There is delay in trial. Accordingly, they pray for bail.

2. Learned Counsel for the State opposes the bail prayer and submits five out of eight witnesses have been examined.

3. We have considered the materials on record. 10,000 pieces of Yaba Tablets containing Methamphetamine were recovered from the petitioner. Trial has substantially progressed. Five out of eight witnesses have been examined. Prosecution assures this Court to conclude the trial within six months from the next date fixed for recording evidence subject to co-operation by defence and systemic reasons. Under such

circumstances we are not inclined to grant bail to the petitioners 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)