

12.03.2024

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rejected

C.R.M.(NDPS) No. 1974 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 17/NCB/KOL/2021 under Sections 21(c)/28/29 of the NDPS Act read with Section 8(c) of the NDPS Act.

And

In Re : Dipak Mandal @ Deepak Mandal & Anr. .... petitioners

Mr. Kalidas Saha

....for the petitioners

Mr. Himangsu De, Sr. Adv.

Mr. Asok Bhowmik

... for the UOI

1. Learned Counsel for the petitioners submits they are in custody for two years and ten months. It is also submitted there is delay in trial. They pray for bail.

2. Learned Counsel for the NCB opposes the bail prayer and submits charge has been framed and assures this Court that trial shall be concluded within ten 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. 1350 bottles of Phensedyl Syrup were recovered from the petitioners. Charge has been framed. In view of the aforesaid materials on record and statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioners on merits.

4. On the score of delay we note trial was delayed due to systemic reasons. Prosecution is not solely responsible for the delay. Prosecution has assured this Court that trial shall be concluded within ten months from the next date fixed for recording evidence subject to co-operation by defence and systemic delays. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

5. Application for bail is, thus, rejected.

6. Trial court is directed to expedite the trial in view of the assurance given by the prosecution without granting unnecessary adjournment to either of the parties.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**