

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

13.05.2024.
32/tkm

C.R.M. (NDPS) 211 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri PS case no.137 of 2022 dated 2.2.2022 under sections 23(c) of the NDPS Act.

In the matter of : Md. Shekhbul Hussain @ Sekbul Hossain
... Petitioner

Mr. A N Sarker

...for the Petitioner

Mr. A S Chakraborty, Id APP
Mr. Arjun Chowdhury

...for the State.

1. Petitioner is in custody for more than two years. He submits there is slow progress in trial. Co accused in on bail. He prays for bail.
2. Learned lawyer for the State submits bail prayer of the petitioner was rejected on merits earlier. Intermediate quantity was recovered from co-accused. Time frame proposed by this court to conclude trial has not expired.
3. We have considered the materials on record. 306 gms of heroin was recovered from the petitioner. He does not stand on the same footing with co-accused from whom intermediate quantity was recovered. Bail prayer of the petitioner was rejected earlier on merits. This court directed trial to be concluded within one year i.e. September 2024. Trial is in progress and the time-frame proposed by this court has not expired.

4. Hence, we are not inclined to grant bail to the petitioner either on merits or on the ground of delay.
5. Accordingly, prayer for bail is rejected.
6. We request the trial court to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)