

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

22.05.2024.
2/tkm

C.R.M. (NDPS) 220 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara PS case no.1035 of 2021 dated 16.9.2021 under sections 21(c) of the NDPS Act.

In the matter of : Md. Ali

... Petitioner

Mr. D Lakhotia
Mr. R Agarwal
Ms. M Joshi
Ms. K Kundu

...for the Petitioner

Mr. Nilay Chakraborty, Id APP
Mr. Sourav Ganguly

...for the State.

1. Petitioner is in custody for about three years. He prays for bail on the ground of delay.
2. Learned lawyer for the State submits report with regard to progress in trial.
3. We have considered the materials on record. Narcotics above commercial quantity i.e. 22 bottles of cough syrup containing codeine phosphate was recovered from the petitioner. Trial is in progress. Four witnesses have been examined. Prosecution proposes to conclude trial within six months from the next date fixed for recording evidence subject to co-operation by defence and systemic delays.
4. In view of the aforesaid circumstances and statutory restrictions under section 37 of the NDPS Act we are not inclined to grant bail to the petitioner either on merits or on the ground of delay at present.

5. Accordingly, prayer for bail is rejected.
6. Trial court is requested to expedite the trial in light of the assurance given by the prosecution and conclude the same at an early date.
7. Parties shall cooperate with the trial court and communicate this order to the said court for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)