

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2024 in connection with Raninagar Police Station Case No.69 of 2022 dated 23.02.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.64 of 2022)

And

In Re: **Bella Sk. @ Billal Sk.**

... ... Petitioner

Ms. Shabana Hasin
Ms. Samima Akter Banu
Ms. Neha Roy

... ... for the petitioner

Mr. Atif Ahmed Siddiqui

... ... for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay was due to absence of the Presiding Officer. Two witnesses have been examined.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 250 bottles of *phensedyl syrup*, which is above commercial quantity from the petitioner. Trial is in progress. Two witnesses have been examined. Prosecution assures this court trial shall be concluded within one year from the next date fixed for recording evidence subject to cooperation by the defence and systemic delays. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)