

30.09.2020

Item No.4

Ct.No.11

dc.

C.R.M. 5310 of 2020
C.R.A.N. 1 of 2020 (Old No. CRAN 3627 of 2020)
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No.01/CL/NDPS/P&I/WB/2013 dated 09.05.2013 under Sections 22(b)(ii)(c)/29 of N.D.P.S. Act and now numbered as N-78 of 2013.

And

In the matter of : Lokenath Pramanick ... Petitioner.

Mr. Arka Chakraborty ... For the Petitioner.

Mr. Amitabrata Roy,
Ms. Manasi Mukherjee ... For the Customs Authority.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Learned advocate for the petitioner draws the attention of this Court to the order dated 14.01.2020 passed in CRM 414 of 2020 wherein, according to the learned advocate, the present petitioner is entitled to the same benefit.

We have perused the order passed by the co-ordinate Bench of this Court on 14.01.2020 in CRM 414 of 2020 which was more in the nature of delay in conclusion of the trial and the period of detention of the accused who

approached the Court. The learned advocate further submits that the present petitioner is also in custody for more than seven years and only one witness out of 13 witnesses have been examined by the prosecution.

Learned advocate for the Customs authority submits that the accused who was granted bail in CRM 414 of 2020 is absconding after being released on bail and as such, no progress in the trial could take place. The learned advocate also submits a website copy of the order dated 14.01.2020 which is kept with the record.

We have taken into account the subject matter of contraband which is about 500 kgs. of ganja being seized, the conduct of the accused person and the reasons of delay. We are not satisfied with the conduct of the accused and as such, we are inclined to reject the application for bail.

However, the prosecution is also afforded a last opportunity to conclude the trial within a period of six months from date. In case, the accused, who has absconded, is not available, the learned Special Court would exhaust the process and thereafter fixed regular dates for the prosecution witnesses and take all endeavour for concluding the trial within the aforesaid period.

It is further directed that if the witnesses, who are representing the department, are not present on the date so fixed, the learned Special Judge would be at liberty to issue warrant of arrest against the said witnesses.

With the aforesaid observations, CRM 5310 of 2020 and CRAN 1 of 2020 (Old No. CRAN 3627 of 2020) are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)