

17.11.2020
SL No.28
Court No.12
(jks & SB)

CRM 7754 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with DRI Seizure Case No.**1/CL/IMP/DRI/BMR/2017-18** dated **04/11/2017** under Sections **135** of the Customs Act read with Section 489 (B) and 489 (C) of the Indian Penal Code.

And

In the matter of: **Asikul Sekh @ Sk.**

....Petitioner.

Ms. Sonali Das

...for the Petitioner.

Mr. Kaushik Dey,

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. The petitioner has relied upon the order passed by coordinate Bench in CRM 1719 of 2020 dated 19th February, 2020 in order to get the same relief on the ground that the petitioner is on the same footing.

The learned Counsel for the State, however, opposes the prayer for bail and submitted that the petitioner does not stand on the same footing as that of the petitioner. In the instant case from the Case Diary it prima facie appears that the petitioner is the a prime accused and the case of the petitioner is not similar to that of Baidul Islam. Moreover, we find that the case has been

committed to Court of Chief Judicial Magistrate, Murshidabad and the trial is likely to be commenced soon.

Under such circumstances, we are rejecting the instant application for bail, we direct the CJM, Murshidabad to expedite the trial and conclude the proceeding as expeditiously as possible preferably within a period of six months from the date of communication of this order by either of the parties without granting any adjournment unless there are unavoidable reasons.

With the aforesaid observation, the application for bail being CRM 7754 of 2020 is disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)