

08.03.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Kaliachak** Police Station Case
Sl.17 **No.470 of 2017** dated **25.06.2017** under Sections **20(b)(ii)(c)** of the
Ct.28 Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In re: Sadiqul Islam

... petitioner.

Mr. Sourov Chatterjee

Mr. Sagar Saha

... for the petitioner.

Mr. Madhusudan Sur, Ld.APP

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody from 25th June, 2017 and after expiry of three years eight months only five witnesses out of twelve witnesses cited in the charge sheet have been examined. He further submits that there is no scope for trial being completed in near future and as such, on any condition, the petitioner may be enlarged on bail. Mr. Chatterjee also emphasizes on the nature of evidence which has been deposed by the prosecution and contends that there is no scope for the petitioner being convicted on the available evidence on materials.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer for bail and submits that 25 kgs. contrabands were seized from the possession of the petitioner and earlier on three occasions the prayer for bail of the present petitioner was rejected by a Coordinate Bench of this Court.

We have considered the materials on record including the available witnesses and the nature of evidence, which has been brought out on record. Having regard to the same, we are not happy

with the progress of the trial. However, to strike a balance of Section 37 of the NDPS Act and the fact that there was a Pandemic, as a matter of last chance, we grant a period of six months to the prosecution to produce rest of the witnesses before the trial court.

We make it clear that, in case, the prosecution is unable to complete their witnesses within the aforesaid time schedule the present petitioner may approach the learned trial court with a prayer for bail. For the present, the application for bail rejected.

However, the learned trial court is directed to take steps so that all efforts are taken by all the parties so that the trial is concluded within a period of six months from date.

Accordingly, the application for bail being CRM No.658 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)