

12. 12.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 1039 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/01/2021** in connection with **Durgapur Police Station Case No. 386/2018** dated **13/08/2018** under Sections **21(C)/29** of the N.D.P.S. Act read with Section **120B** of the Indian Penal Code and Sections **25(1B)(a)/35** of the Arms Act (Special Case No. **48/2018**)

And

In the matter of: - **Sailen Garai**

....petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.
Mr. Suman De

...for the petitioner.

Mr. S.S. Imrohi,
Mr. S. Kundu

...for the State.

The petitioner renews his prayer for bail after his prayer was rejected on two earlier occasions by co-ordinate Benches of this Court. It is submitted on behalf of the petitioner that he is in custody for about three years and has no connection with the alleged offence. Charge-sheet has been submitted. No recovery has been made from the petitioner and he also cannot be said to be a conspirator to the alleged offence, in view of the material in the Case Diary.

Learned Counsel for the State opposes the prayer for bail and submits that there is sufficient material against the petitioner *prima facie*, indicating his involvement in the commission of the alleged offence. Trial of the case has commenced.

We have considered the material in the Case Diary. It is a fact that trial of the case has commenced and one witness has been examined-in-part.

Having regard to the material in the Case Diary, the facts and circumstances of the case and also, as prayer of the petitioner was rejected on two earlier occasions by co-ordinate Benches of this Court and there being no substantial change in circumstances, we are not inclined to allow the petitioner's prayer for bail at this stage.

The prayer for bail is, thus, **rejected**.

However, considering the protracted period of detention of the petitioner, we hope and expect and accordingly, request the learned trial Court to expedite the trial of this case to the extent the business of the Court may permit and bring the trial to a logical conclusion as expeditiously as possible without granting unnecessary adjournments to either of the parties.

Accordingly, the application for bail being C.R.M. 1039 of 2021 is disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)