

C.R.M. 2278 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan P.S. Case No. 58 of 2020 dated 16.02.2020 under Sections 21(C)/22 (C)/23 (C)/27 (A) of the Narcotic Drugs & Psychotropic Substances Act.

And

In the matter of: Motiur Rahaman @ Matiur Rahaman
....petitioner.

Mr. Pronojit Roy
...for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Manisha Sharma,
Mr. Palash Chandra Majhi
...for the State.

Counsel for the petitioner submits that his client is languishing in custody for more than 480 days. It is further submitted that this is the third application filed under Section 439 CrPC.

Counsel for the State submits that since after filing of the original charge-sheet and the availability of the FSL Report, a supplementary charge-sheet has been filed. It is further stated that there are 14 witnesses in the matter and the trial could not be proceeded in view of the pandemic.

This Court notes that prolonged delay in conducting the trial and keeping the accused persons in custody would affect the rights of the accused under Article 21 of the Constitution of India.

In that view of the matter this Court directs the court below to conclude the trial as expeditiously as possible preferably within a period of 10 months from date.

The Registry shall communicate this order to the Court below.

Accordingly, C.R.M. 2278 of 2021 is rejected at this stage.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)