

64. 19.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 3804 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/05/2021** in connection with **N.D.P.S. Case No. 08 of 2015** arising out of **Maidan Police Station Case No. 58 of 2015** dated **01/05/2017** under Sections **20(b)(ii)(c)/29** of the N.D.P.S. Act.

And

In the matter of: - **Imteyaz Ahmed**

....petitioner.

Mr. Dipankar Pal,
Mr. Joy Chakraborty

...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

...for the State.

The petitioner renews his prayer for bail which was rejected earlier by an order dated March 17, 2021 passed in C.R.M. 10726 of 2020.

The petitioner says that he has been in custody for about six years. There is no likelihood of the trial concluding at an early date. He refers to an order dated December 14, 2020 passed in C.R.M. 2546 of 2020 in support of his submission that the Court need not go into the merits of the case. On the ground of inordinate delay in conclusion of the trial, bail may be granted. In that event, the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

Learned Counsel for the State says that 4 out of 7 witnesses have been examined and cross-examined.

Having considered the facts and circumstances of the case and that the petitioner's prayer for bail was rejected as recently as on March 17, 2021, when a co-ordinate Bench also noticed that the petitioner is to be blamed at least partly for the delay, we are not inclined to allow the petitioner's present prayer for bail.

Accordingly, the application for bail being C.R.M. 3804 of 2021 is **dismissed**.

However, in view of the fact that the petitioner has been in custody for six years, we request the learned trial Court to expedite the trial and bring the same to its logical conclusion as soon as possible and preferably within a period of six months from date.

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.)