

16.08.2021

Court No.28
Item No.14
(REJECTED)

Ab

CRM 4152 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 15.06.2021 in connection with Barasat Police Station Case No. 815 of 2017 dated 19.09.2017 under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Prosenjit alias Biswajit Karmakar.**
...Petitioner.

Mr. Angshuman Chakraborty.
...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.
... For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat Police Station Case No. 815 of 2017 under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

Admittedly, the commercial quantity of contraband has been recovered from the exclusive possession of the petitioner who is languishing in jail for nearly four years in anticipation of speedy trial. A point has been raised that there is no possibility of the conclusion of trial in near future, the petitioner should be released on bail.

We have perused the said order, which is relied upon by the petitioner and we find that substantial progress has already been shown in the trial, as three witnesses out of ten had already been examined. It is no doubt true that right of speedy trial enshrined in the Constitution and an accused should not wait eternally.

Since we do not find any ground for taking exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act, the prayer for bail of the petitioner is **rejected**.

However, we direct the learned Special Judge under NDPS Court at Barasat, North 24-Parganas to fix a schedule in presence of the parties, which should not exceed beyond fifteen days from the date of communication of this order for recording the statement of the rest of the witnesses.

The prosecution shall produce the charge-sheeted witnesses on each date so fixed and the defence shall not indulge in taking adjournment to participate in the trial so that the case can be brought to its logical conclusion at an earliest.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)