

25.08.2021
Court No.30
Item No. 02
Krishnendu
Bail Rejected

**CRM 9322 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Murutia P.S. Case No. 161 of 2018 dated 30.11.2018 under section 21(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In re: **Abdul Mondal**

...Petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh

... For the Petitioner

Mr. Imran Ali
Mrs. Manasi Roy

...For the State

This is an application for bail on the ground of long incarceration suffered by the petitioner.

Learned advocate for the petitioner submits that the petitioner has been languishing in custody for about 999 days without any tangible progress of trial. It is further submitted that in spite of a direction passed by this Court in CRM 10697 of 2019, for conclusion of trial, the same has not been concluded resulting in serious prejudice to the petitioner, and in such conspectus, petitioner is entitled to bail.

Learned advocate for the State raises objection against the prayer for bail. It is submitted that in the meantime, out of four witnesses cited in the charge sheet, two witnesses have

already been examined and next date has been fixed on 8th October, 2021.

The prayer for bail, according to the State, has already been rejected against the petitioner for the recovery of the contraband, above the commercial quantity, bearing in mind the statutory restriction contained in section 37 of the N.D.P.S. Act.

Having considered the submissions of both sides and keeping in mind the progress of trial, we are not inclined to grant bail to the petitioner at this stage, ignoring the possibility of his abscondence, and also taking into account the rigour contained in section 37 of the N.D.P.S. Act.

The prayer for bail is thus considered and rejected.

Since the learned advocate for the petitioner has expressed his inconvenience and anguish with regard to the delay in the progress of the trial, we take notice of such issue and direct the learned Court below to conclude the trial within a period of four months from date, and if, necessary, to take all such possible steps and such other additional steps adhering to mandate available under section 309 of the Code of Criminal Procedure.

It is, however, clarified that in doing such exercise, the learned Court below is free to fix consecutive dates for the examination of rest of the witnesses so that the logical conclusion of this case may be reached at the earliest, preferably within four months from date, as stipulated hereinabove.

The application for bail, being CRM No. 9322 of 2020, is, accordingly, disposed of.

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

(Subhasis Dasgupta, J.)

(Tapabrata **Chakraborty, J.**)