

22.06.2022
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 623 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.06.2022 in connection with NCB Crime No.48/NCB/KOL/2016 dated 07.12.2016 under Sections 18(b)/29/8(c) of the NDPS Act. (NDPS Case No.172 of 2016)

And

In Re: ***Merajul Hoque***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Arun Kumar Maiti

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about five years and six months. He prays for bail on the ground of delay in trial.

Learned advocate appearing for the NCB opposes the prayer for bail and submits delay was caused due to the intervening pandemic condition and other systemic reasons. Two witnesses have been examined till date.

We have considered the materials on record. Materials collected during investigation show recovery of narcotic substance above commercial quantity from the petitioner. However, bail has been prayed on the ground of inordinate delay in conducting trial. Charge was framed against the petitioner in 2018. Subsequently, co-accused was brought before the court and charge was framed against him in May, 2019. Thereafter, witnesses were examined in June, 2019. Due to the intervening pandemic there was hardly any progress in the matter in 2020-2021. Trial has now resumed. In view of the aforesaid facts, we are of the opinion delay in the instant case has substantially been

contributed due to the intervening pandemic condition. Hence, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

However, balancing the right to speedy trial of the petitioner on one hand and gravity of the offence on the other hand, while rejecting his prayer for bail, we direct the trial court to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

It shall be open to the trial court to resort to examination of witnesses through video conferencing in the event officers of the NCB had been transferred to another State and are not available due to administrative reasons.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)