

13.12.2022.
05.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1438 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia P.S. Case No.225 of 2020 dated 10.09.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Atihar Mallik.

... Petitioner.

Mr. Suman De.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Report is placed on record.

From the report it appears accused persons were not produced from the correctional home on a number of occasions.

Finally, charge came to be framed on 8th July, 2022. Thereafter, matter was fixed on 30th September, 2022 for examination of prosecution witnesses. On that day, SI, Avishek Roy was unable to appear before the court due to illness.

Date has been fixed on 1st February, 2023 for recording evidence.

In view of the aforesaid circumstances, it cannot be said delay in the matter is wholly attributable to the prosecution.

Accordingly, the prayer for bail of the petitioner is rejected.

In view of the under trial detention suffered by the petitioner, we direct the trial court to conclude the trial as

expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)