

13.12.2022.
20.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1478 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola P.S. Case No.576 of 2018 dated 31.08.2018 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Md. Umar Ali @ Umar Ali.

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Sunny Nandy,
Ms. Riya Das.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for more than four years. It is contended inspite of direction given by this Court for completion of trial, there is little progress in the matter.

Learned Advocate for the State opposes the prayer for bail. He submits delay was due to vacancy in the trial court.

We have considered the materials on record. Petitioner is in custody for a considerable period of time. However, delay in the matter cannot be wholly attributed to the prosecution. There was vacancy in the trial court for a considerable period. Date has been fixed for examination of witnesses in February, 2023.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

We request 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 any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)