

10.01.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 24 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 08 of 2020 arising out of Serampore P.S. Case No.52 of 2020 dated 11.02.2020 under Sections 21(b)(ii)(C) of the NDPS Act.

In the matter of : Rahul Jaiswal.

... Petitioner.

Mr. Arunava Ganguly.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

Petitioner is in custody for about three years. He submits there is delay in trial. In spite of direction by a learned Single Judge of this Court in CRR 2319 of 2022 only one witness has been examined so far. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with co-accuseds who are on bail. One prosecution witness has been examined and trial shall be concluded shortly.

We have considered the materials on record. Recovery was made from the house and garage of the petitioner. He does not stand on the same footing with co-accuseds who are on bail. A learned Single Judge of this Court directed the prosecution to produce at least three witnesses on 19th November, 2022. One witness was produced and subsequently examined. Schedule has been fixed for examining other witnesses. There has been some effort on the part of the

prosecution to lead evidence in terms of the direction in CRR 2319 of 2022.

Hence, we are not inclined to grant bail to the petitioner on the score of delay at this stage.

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

We direct the trial court to take necessary steps to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)