

01.02.2023

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rejected

C.R.M. (NDPS) No. 140 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 50 of 2020 dated 25.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Mofikul Islam & Anr. petitioners

Mr. Arnab Chatterjee
Ms. Chandrima Debnath
... for the petitioners

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee
... for the State

Learned Counsel for the petitioners submits they are in custody for more than two years and five months. It is also submitted though in CRR 1016 of 2021 Hon'ble Single Judge directed conclusion of trial within one year there is no possibility of the trial concluding within the said time frame. Next date for examination of witnesses has been fixed in April, 2023.

Learned Counsel for the State opposes the prayer for bail and submits trial has substantially progressed. Eight witnesses have been examined till date. Due to pressure in the file of the trial court next date has been fixed in April, 2023.

We have considered the materials on record. There are materials implicating the petitioners in the alleged crime. We are of the view prosecution has made an honest effort to conclude the trial within the time frame proposed by the Hon'ble Single Judge in CRR 1016 of 2021. The said time frame is not a

peremptory one. However, to ensure a prompt conclusion of the trial we request the trial court to fix trial schedule in a manner so that the trial may be completed as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

With these observations, the application for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)