

03.02.2023

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rejected

C.R.M.(NDPS) No. 169 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 363 of 2020 dated 01.10.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Tajbul Sk. @ Tajbul Islam Sk. petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

.... for the State

Learned Counsel for the petitioner submits he is in custody for two years and four months. It is also submitted that there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits delay was due to vacancy in the trial. Trial is in progress. Three witnesses have already been examined.

We have considered the materials on record. A learned Single Judge of this Court in CRR No. 33 of 2022 directed for expeditious conclusion of trial preferably within ten months from resumption of normal functioning of the Court. The Court was lying vacant for some time. Subsequently upon filling up of vacancy trial commenced and three witnesses have already been

examined. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is directed to conclude the trial 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)