

03.02.2023

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rejected

C.R.M.(NDPS) No. 171 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. 401 of 2018 dated 23.08.2018 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sudeb Mondal petitioner

Ms. Chandrima Debnath

.... for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

.... for the State

Learned Counsel for the petitioner submits he is in custody for four and half years. It is also submitted that in spite of direction given by the Hon'ble Single Judge in CRR 645 of 2021 to conclude trial within one year trial has not concluded. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits the order passed by this Court was not placed before the trial court till December, 2022. Seven witnesses have already been examined.

We have considered the materials on record. There are materials on record implicating the petitioner in the crime. Though Hon'ble Single Judge on 15.03.2021 directed for conclusion of trial preferably within one year from the next date of hearing, petitioner chose not to place the order before the trial

court till December, 2022. Now he canvasses for bail on the ground of non-compliance of the aforesaid direction. We are unwilling to accede to such prayer. In the meantime prosecution has already examined seven witnesses. Under such circumstances, we are of the opinion petitioner is not entitled to bail on the ground of delay.

The application for bail is, thus, rejected.

Trial court is directed to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Department is directed to communicate copy of this order to the trial court.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)