

20.03.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 409 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.02.2023 in connection with Kaliachak Police Station Case No.468 of 2020 dated 16.06.2020 under Section 21(c) of the NDPS Act and Sections 25(i)(a)/27 of the Arms Act.

And

In Re: ***Kamrujjaman Chowdhury @ Jaman Biswas***
... .. Petitioner

Mr. Sabir Ahmed
Md. Kutubuddin
Ms. Suman Biswas

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about two years and nine months. It is further submitted there is inordinate delay in trial. It is also submitted there is infraction of Section 50 of the NDPS Act.

Learned Advocate for the State opposes the prayer for bail and submits eight witnesses have already been examined. Trial has progressed substantially.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in November, 2021. Direction was given to conclude the trial preferably within one year. It is contended eight out of twelve witnesses have already been examined. In view of the aforesaid circumstances, we are of the opinion trial has considerably progressed and delay cannot be a ground to enlarge the petitioner on bail.

On merits, bail prayer of the petitioner was rejected earlier. With regard to the plea of non-compliance of Section 50 of the NDPS

Act, we are of the opinion such issue requires to be thrashed out on the basis of the entire evidence on record during arguments. Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)