

30.03.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 581 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Kaliachak Police Station Case No.422 of 2020 dated 03.06.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.42 of 2020)

And

In Re: ***Nivash Mandal @ Nibhash Mandal***

... .. Petitioner

Mr. Avinaba Patra

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits co-accused had absconded and there was vacancy in the trial court. These contributed to the delay.

We have considered the materials on record. Petitioner is in custody for about three years. Delay has been engineered due to abscondence of co-accused as well as vacancy in the trial court. Prosecution is not wholly responsible for the delay. Bail prayer of the petitioner was rejected in February, 2022. Thereafter, there has been some progress in the matter. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

Trial court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next date

fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)