

27.04.2023
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 593 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with Dankuni Police Station Case No.263 of 2019 dated 18.10.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.41 of 2019)

And

In Re: ***Biplob Sarkar***

... .. Petitioner

Mr. Soumik Ganguly
Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Report is placed on record. From the report it appears delay cannot be wholly attributed to the prosecution.

We have considered the materials on record. Delay is not wholly attributed to the prosecution. It was due to systemic reasons i.e. vacancy in the trial court. Even in the last schedule commencing from 11.04.2023, though witnesses were present, they could not be examined due to vacancy in the court. Under such circumstances and in view of the materials on record showing recovery of narcotics above commercial quantity from a vehicle wherefrom the licence of the petitioner was also recovered, we are not inclined to grant bail to the petitioner either on merits or on the score of delay.

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. In the event of vacancy in the court, Judge-in-charge shall record the evidence of prosecution witnesses, if they are present.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)