

11.05.2023
tkm/ct 28
sl no. 2

C.R.M. (NDPS) 805 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chakulia PS case no. 225 of 2018 dated 14.10.2018 under section 18)(b)/21(c)/22 of the NDPS Act

And

In Re : Dalim Sk

..... petitioner

Mr. S Das Mahapatra

Mr. T Gupta

Ms. M Sinha

..... for the petitioner

Mr. S Bardhan

Mr. Chittaranjan Ghosh

..... for the State

Petitioner is in custody for more than four years. He submits there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner had prayed for deferment of cross examination which has contributed to the delay. Three prosecution witnesses have already been examined. Their cross examination has been deferred. Chemical examiner's report has been placed on record.

We have considered the materials on record. Three prosecution witnesses have been examined in chief. On the prayer of defence, examination of all the official witnesses has been deferred. Practice of seeking deferment of cross examination contributes to delay and the blame lies at the door step of the petitioner. Hence, we are not inclined to release the petitioner on bail on ground of delay.

Under such circumstances and as materials on record show recovery of 1.7 kgs of brown sugar i.e. heroin from the petitioner, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

We request the prosecution to produce its witnesses regularly and trial be concluded positively within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)