

03.05.2023  
Sl. No.14  
**akd**  
[Rejected]

**C. R. M. (NDPS) 921 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.04.2023 in connection with Tapan Police Station Case No.58 of 2020 dated 16.02.2020 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re: ***Motiur Rahaman @ Matiur Rahaman***

... .. Petitioner

Mr. Kaushik Choudhury

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. Inspite of direction given by a coordinate Bench of this court in CRM 2278 of 2021 in June, 2021 to conclude trial within ten months, trial has not concluded. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. Seven out of fourteen witnesses have already been examined. Delay in the matter cannot be wholly attributed to the prosecution.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. On the score of delay we note trial has considerably progressed and seven out of fourteen witnesses have already been examined. During the schedule fixed witnesses were mostly present barring one or two occasions. Under such circumstances, we do not consider it prudent to release the petitioner on bail.

The application for bail is thus rejected.

Trial court is directed to fix schedules at regular intervals and conclude the trial at an early date preferably within 1½ years 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.)**