

16.05.2023
as/tkm/ct 28
sl no. 20

C.R.M. (NDPS) 992 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with STF PS case no. 37 dated 19.9.2019 under sections 20(b)(ii)(c) read with section 29 of the NDPS Act

And

In Re : Gobardhan Gond @ Govardhan Gound

..... petitioner

Mr. K Kundu
Ms. Mithu Das
Ms. M Majumder

..... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

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

Learned lawyer for the State opposes the bail prayer. He submits trial is in progress. One witness has been examined in part. Adjournments were taken on behalf of the defence on a number of occasions.

We have considered the materials on record. Though the petitioner has suffered incarceration for more than three years, delay in trial cannot be wholly attributed to the prosecution. Adjournments had been sought for on behalf of the defence too.

Under such circumstances, we are not inclined to grant bail to the petitioner on the ground of delay at this stage.

Accordingly, prayer for bail is rejected.

However, noting the period of detention suffered by the petitioner we direct the trial court to fix schedule for examination of witnesses at regular intervals and conclude the trial within a

year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)