

17.05.2023
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 1005 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.05.2023 in connection with Sankrail Police Station Case No.682 of 2019 dated 18.08.2019 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Kiyamuddin Laskar & Anr.***

... .. Petitioners

Mr. Subhrajyoti Ghosh

... .. for the petitioners

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about three years and eight months. It is further submitted there is inordinate delay in trial. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though the petitioners are in custody for more than three years, delay is primarily due to systemic reasons i.e. vacancy in the trial court. Three witnesses have already been examined. Hence, delay cannot be attributed to the prosecution. There are materials showing recovery of narcotics above commercial quantity from the petitioners. Under such circumstances, we are not inclined to grant bail to the petitioners.

The application for bail is thus rejected.

Trial court is directed to conduct the trial as expeditiously as possible 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.)