

24.07.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 1298 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.07.2023 in connection with Jagacha Police Station Case No.231 of 2021 dated 25.08.2021 under Section 21(c) of the NDPS Act.

And

In Re: **Sk. Enjamul @ Enjo**

... .. Petitioner

Mr. Santanu Chatterjee
Mr. Rajendra Kumar Nandi

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years. It is further submitted inspite of direction given by this court in September, 2022, trial has not progressed. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial has considerably progressed since rejection of bail by this court. Three out of seven witnesses have already been examined.

We have considered the materials on record. On the leading statement of the petitioner narcotics above commercial quantity was recovered. Bail prayer of the petitioner was rejected on merits in September, 2022 and trial court was directed to consider the issue of framing of charge at the earliest. Thereafter, charge was framed and three witnesses have already been examined. It cannot be said that trial has not progressed and delay in the matter appears to have been contributed through systemic reasons like resolution at the local Bar not to attend court proceedings. Hence, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

Trial court is directed to conclude the trial 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.)