

10.08.2023

1
sdas
rejected

C.R.M.(NDPS) No. 1319 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 21/NCB/KOL/2018 dated 27.04.2018 and subsequently complaint dated 12.10.2018 for violation of Section 8(c) of the NDPS Act and offence under Section 21(c) of the NDPS Act.

And

In Re : Abdus Salam @ Jahir Seikh petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatun

....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. Arunava Ganguly

..... for the NCB

Learned Counsel for the petitioner submits he is in custody for more than five years. Inspite of direction given by this Court in CRM(NDPS) 757 of 2022 to conclude the trial within one year, trial has not concluded. He renews his bail prayer.

Learned Counsel for the NCB submits report. He contends direction given by this Court was not communicated to the trial court. Report is placed on record.

We have considered the materials on record. Petitioner has suffered incarceration for a protracted period of time but his conduct is not appreciable. Direction given by this Court to conclude the trial within a stipulated time frame, for the reasons best known to the petitioner, was not communicated to the trial

court. Three witnesses out of six have already been examined. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We request the trial court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)