

20.09.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1487 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.08.2023 in connection with Raninagar Police Station Case No.436 of 2019 dated 30.08.2019 under Sections 326/307/34 of the Indian Penal Code, Sections 25/27 of the Arms Act and Section 21(c) of the NDPS Act. (NDPS Case No.168 of 2019)

And

In Re: ***Lalon Sk.***

... .. Petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. On 13.02.2023 while rejecting the bail prayer this Court directed the trial court to conclude the trial within six months. The said time frame has expired but the trial has not concluded. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits three witnesses have been examined.
4. We have considered the materials on record. Bail prayer of the petitioner was rejected on 13.02.2023. By the selfsame order trial was directed to be concluded preferably within six months from the next date fixed for recording evidence. The order was not communicated to the trial court till 15.05.2023. In July, 2023 petitioner had again approached this court and his prayer came to be rejected on the ground that the time frame fixed by this court has not expired.

5. It is true prosecution has examined only three witnesses but petitioner has failed to communicate the order passed by this court for expeditious trial in February, 2023 till May, 2023. In view of the aforesaid conduct, we are of the opinion the time frame of six months so fixed ought to be considered from the date of communication of the order to the trial court.
6. Incident involves not only possession of narcotics but also physical assault upon BSF personnel. There is possibility of re-offending and abscondence if petitioner is released on bail. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
7. The application for bail is thus rejected.
8. Trial court is directed to fix schedules at regular intervals and conclude the trial preferably by December, 2023 without granting unnecessary adjournment to either of the parties.
9. Public Prosecutor and Investigating Agency shall take all necessary steps for attendance of witnesses and in the event witness is present, no adjournment shall be given on any score to either of the parties.
10. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)