

12.09.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1495 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Muchipara Police Station Case No.141 of 2020 dated 20.07.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.25 of 2020)

And

In Re: ***Maya Halder***

... .. Petitioner

Mr. Joy Chakraborty

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than three years. It is further submitted there is delay in trial. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused was rejected in April, 2023. Delay was due to absence of the presiding officer in the trial court. After rejection of bail, PW2 has been examined in part.
3. We have considered the materials on record. Petitioner and her husband were dealing in narcotics. Narcotics above commercial quantity was recovered from their residence. They were arrested from the spot. Bail prayer of co-accused-husband was turned down in April, 2023. While examining his bail prayer, this court noted delay was due to absence of the presiding officer in the trial court. As a result, this Court directed the Judge-in-charge to record evidence. Thereafter, cross-examination of PW2 was conducted in part. It was deferred on the prayer of the defence. It is also relevant that the direction of this court had not been communicated to the trial court.

In this backdrop, it cannot be said prosecution is indifferent and the delay is attributable to the prosecution alone. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial as expeditiously as possible by fixing schedules at short intervals and conclude the same preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)