

22.09.2023
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rejected

C.R.M.(NDPS) No. 1567 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Task Force (STF) Police Station Case No. 7 of 2021 dated 13.03.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Subrata Biswas petitioner

Mr. Sabir Ahmed
Mr. Shrama Sarkar
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Soham Chakraborty
Ms. Suman Biswas
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
..... for the State

1. Supplementary affidavit filed in Court be kept on record.

2. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that inspite of direction given by this Court in June, 2022 to conclude the trial within one year trial has not come to an end. He prays for bail.

3. Learned Counsel for the State opposes the prayer for bail and submits Presiding Officer was absent for a considerable period of time which resulted in delay.

4. We have considered the materials on record. Allegations involve conspiracy between the petitioner and co-accused in trafficking narcotics. Bail prayer of the petitioner was rejected earlier on merits in June, 2022. It was directed that the trial to be concluded preferably within one year. Order came to be communicated in September, 2022 and date was fixed for recording evidence. By order dated 28.04.2023 it was noted delay in the matter was due to vacancy in the trial court. Presently new incumbent has joined and two witnesses have already been examined. Under such circumstances, we are inclined to hold delay in trial cannot be attributed to the prosecution but was due to systemic reasons. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is, thus, rejected.

6. Trial court is directed to conduct the trial with utmost expedition 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.

7. Parties shall communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)