

27.09.2023

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rejected

C.R.M.(NDPS) No. 1599 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

And
In Re : Somen Mandal petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and ten months. It is also submitted that there is delay in trial. Charge has not yet been framed and trial has not commenced till date. He prays for bail on the ground of delay in trial.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for consideration of charge in October, 2023. Bail prayer of the petitioner was rejected earlier in February, 2023.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier in February, 2023. Date has been fixed for consideration of charge in October,

2023. Under such circumstances, we are not inclined to grant bail to the petitioner.

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

5. Trial court is directed to consider the issue of framing of charge on the date so fixed and if it is unable to do so positively within two months from date and conclude the trial at an early date preferably within one year from the date of framing of charge without granting unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)