

05.10.2023

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rejected

C.R.M.(NDPS) No. 1600 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashoknagar Police Station Case No. 582 of 2021 dated 05.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Md. Sebgatullah @ Jamai petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
Mr. Arka Chakraborty
....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 more than two years. It is submitted only six witnesses have been examined. There is no possibility of trial concluding in near future. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits prosecution proposes to examine four more witnesses.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected by the Hon'ble Apex Court in November, 2022 on merits. Trial was directed to be concluded expeditiously. Thereafter, six witnesses have already

been examined. There is substantial progress in trial and prosecution proposes to examine four more witnesses. 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 with utmost expedition and conclude the same at an early date preferably within one year from the date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

6. Parties shall co-operate with the trial court in this regard and communicate this order to the said court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)