

04.10.2023

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rejected

C.R.M.(NDPS) No. 1615 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No. 166 of 2020 dated 09.09.2020 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Khokon Saikh petitioner

Mr. Nazir Ahmed
Ms. Sanghamitra Mridha
....for the petitioner

Mr. Ranadeb Sengupta
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years. There is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits defence contributed to the delay. When prosecution witnesses were present defence sought for deferment of cross-examination.

3. We have considered the materials on record. Statements of witnesses and other materials show recovery of 712 gms. of Heroin from the petitioner. Trial has already commenced. Conduct of the petitioner during trial is not appreciable. When prosecution witnesses came to the Court defence sought for deferment of cross-examination. This contributed to the delay. Under such circumstances, we are not

inclined to grant bail to the petitioner either on merits or on the score of delay.

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 next 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 no adjournment shall be sought for on any ground when the witnesses are present.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)