

05.10.2023

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sdas
rejected

C.R.M.(NDPS) No. 1629 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. 837 of 2021 dated 12.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Pranab Kumar Roy @ Putus petitioner

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

Mr. Sudip Ghosh
Mr. Koushik Kundu
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and two months. He has been falsely implicated in the case. Only one witness has been examined till date. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits delay was contributed due to other reasons.

3. We have considered the materials on record. Delay in the matter was due to dilatory tactics adopted by the defence. Though prosecution witnesses were present on a number of dates prayer was made to defer cross-examination. This resulted delay in trial. Accordingly, we are of the opinion delay cannot be attributed to the prosecution. Hence, we are not inclined to grant bail to the petitioner.

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 communicate this order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)