

09.10.2023
tkm/ct 28
sl no. 11

C.R.M. (NDPS) 1644 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chandernagore PS case no. 148 of 2020 dated 17.12.2020 under sections 21(c) of the NDPS Act and section 25(1)(c) of the Arms Act

And

In Re : Brijesh Yadav

...petitioner

Mr. Arunava Ganguly

..... for the petitioner

Mr. S Bardhan

Ms. Debjani Dasgupta

..... for the State

1. Learned lawyer for the petitioner submits inspite of direction given by this Court in September 2022 to conclude the trial preferably within one year, trial has not come to an end. He prays for bail.

2. Learned lawyer for the State submits trial is at its fag end. Prosecution evidence is closed and date has been fixed for examination of the accused under section 313 Cr.P.C.

3. We have considered the materials on record. Allegation involves possession of narcotic substance above commercial quantity. Bail payer of the petitioner was rejected earlier on merits. With regard to delay, we note trial has substantially progressed and there is due adherence to our earlier direction as far as practicable. Date has been fixed for examination of the accused under section 313 Cr.P.C. In view of the matured stage of proceeding which is about to near its completion, we are not inclined to grant bail to the petitioner at this stage.

4. Accordingly, prayer for bail is rejected.

5. Trial court is requested to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate this order to trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)