

10.10.2023.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1651 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.31 of 2021 arising out of NCB Crime No.08/NCB/KOL/2021 dated 23.02.2021 under Sections 21(C)/22(a)/29 of the NDPS Act.

In the matter of : Ajgar Dalal.

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. . S. Saha.

...for the Petitioner.

Mr. Arun Kr. Maiti,
Mr. Sumanta Sarkar.

...for the NCB.

1. Petitioner is in custody for two years and eight months. He submits inspite of direction given by the Hon'ble Apex Court in Spl. Leave Petition (Crl.) Diary No.22780 of 2022 to expedite the trial, only two witnesses have been examined so far. He prays for bail on the ground of delay in trial.

2. Learned Advocate for NCB opposes the bail prayer. He submits trial is in progress and two witnesses have been examined. He submits four more witnesses will be examined and assures the Court that their examination shall be made within six months from the next date fixed for recording evidence.

3. We have considered the materials on record. 1.7 ltrs. of phensedyl syrup and 113 gms. of yaba tablets containing methamphetamine were recovered from the petitioner. Earlier

his bail prayer was turned down by the Hon'ble Apex Court on merits in September, 2022. Trial Court was directed to expedite the trial. Thereafter, two witnesses have been examined.

4. It is true there was some delay as witnesses were not present on some occasions. But the Presiding Officer was also on leave on other dates. Learned Advocate for the NCB assures the Court that prosecution evidence shall be completed within six months.

5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. We direct the Trial Court to fix schedules for examination of the witnesses at regular intervals and conclude the examination of prosecution evidence positively within six months from the next date fixed for recording evidence and to conclude the trial preferably within nine months from the said date.

8. Parties shall co-operate with the trial Court and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)