

13.10.2023

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rejected

C.R.M.(NDPS) No. 1687 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. 726 of 2021 dated 13.07.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Jakir Sk. @ Dilip Sk. petitioner

Mr. Arup Kumar Bhowmick
... for the petitioner

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

1. Copy of Memo of Evidence be kept on record.
2. Learned Counsel for the petitioner submits he is in custody for two years and three months. It is contended prosecution witnesses did not appear to depose in the matter and warrant had to be issued to ensure their attendance. He prays for bail on the ground of delay.
3. Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected in March, 2023. Witnesses were unavailable on one day but two witnesses have already been examined in the meantime.
4. We have considered the materials on record. Bail prayer of the petitioner was rejected in March, 2023 both on merits as well as on the score of delay. While rejecting the bail prayer in March, 2023 this Court observed delay in trial was due to systematic reasons i.e. vacancy in the trial court. Thereafter two

witnesses have already been examined. Hence, we are of the opinion petitioner has not made out a case for bail on the ground of delay. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is, thus, rejected.

6. Trial court is requested to conduct the trial by fixing schedules at short intervals and to conclude the trial 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)