

28.11.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1832 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.21 of 2021 arising out of Ashokenagar P.S. Case No.122 of 2021 dated 12.02.2021 under Sections 20(b)(ii)(C) of the NDPS Act.

In the matter of : **Partha Saha.** ... Petitioner.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das,
Mr. Chitrak Biswas. ...for the Petitioner.

Mr. P. K. Dutta, Id. A.P.P.,
Mr. P. K. Ganguly. ...for the State.

1. Supplementary affidavit is placed on record.
2. Petitioner is in custody for about two years and nine months. He submits inspite of direction given by this Court, there is slow progress in trial. He prays for bail.
3. Learned Advocate for the State opposes the bail prayer. He submits delay in the matter was due to abscondence of one of the co-accused. Bail prayer of Samir Saha was rejected in March, 2023 and a time schedule for completion of trial was given in the said order.
4. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 390 kgs. of ganja from petitioner and co-accused.
5. In view of the aforesaid materials on record and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.

6. On the issue of delay, we note one of the co-accused had absconded which delayed the proceeding. Petitioner had approached this Court in revisional jurisdiction interdicting the progress in trial. Bail prayer of co-accused Samir Saha has been turned down in CRM (NDPS) 594 of 2023 in March, 2023. By the self-same order, Trial Court was directed to complete the trial within two years from the next date fixed for recording prosecution witnesses. It is the grievance of the petitioner inspite of such direction there is no urgency in trial and only one witness has been examined till date.

7. We have gone through the order sheets in the case. Delay in the matter was due to systemic reasons and the time schedule fixed for completion of trial has not expired. We are assured that the prosecution will conclude the trial within the stipulated time frame.

8. Under such circumstances, we are not inclined to grant bail on the ground of delay in trial.

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

10. Trial Court is requested to ensure adherence to the time frame fixed in CRM (NDPS) 594 of 2023 and conclude the trial at an early date.

11. Parties shall co-operate with the Trial Court in that regard and communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)