

22.11.2023

11
sdas
rejected

C.R.M.(NDPS) No. 1865 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1184 of 2019 dated 26.11.2019 under Sections 8(c)/22(c) of the NDPS Act.

And

In Re : Faijul Sk. petitioner

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

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted no narcotic substance was recovered from his possession. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is in progress. Bail prayer of the petitioner and co-accused was rejected earlier on merits in March, 2023 in CRM (NDPS) 605 of 2023. This Court, by order dated 31st March, 2023, directed conclusion of trial within one year from the next date fixed for recording evidence. Said time has not expired.

3. We have considered the materials on record. On merits we note petitioner was actively involved in transportation of narcotic substance. He had purchased the ticket of co-

accused who was apprehended with narcotic substance. He was also present in the hotel wherefrom recovery was made. That apart, he also had prior association with the co-accused. His bail prayer has been rejected earlier on the score of delay. We note trial has progressed considerably. Nine witnesses have been examined. Time frame proposed by the Court in CRM (NDPS) 605 of 2023 i.e. to conclude trial by April, 2024 has not expired as yet. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. We request the trial court to adhere to the trial schedule as proposed by this Court in CRM(NDPS) 605 of 2023.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)