

19.12.2023.

Item No. 117

ap
(Rejected)

C.R.M. (NDPS) 4511 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2023 in connection with Chapra Police Station Case No. 188 of 2017 dated 14.07.2017 under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of: Shankar Biswas & Ors. ...Petitioners

Mr. Arindam Jana,
Mr. Sumanta Das.

...For the petitioners

Mr. Nguive Ahmed,
Mr. Pratick Bose.

....For the State

1. Learned Advocate for the petitioners submits that his clients are in custody for six years and five months. He contends in spite of direction given by a Co-ordinate Bench of this Court in July, 2022, the trial has not concluded within a year.

2. Learned Advocate for the State opposes the prayer for bail and submits that nine witnesses have already been examined.

3. We have considered the materials on record. There are ample evidence connecting the petitioners with the murder. Hence, we are not inclined to grant bail to the petitioners on merits. On the score of delay, we note nothing is placed on record to show that the earlier direction to conclude trial within timeframe had been communicated to the trial court.

4. Be that as it may, nine witnesses have already been examined. Under such circumstances, we are not inclined to grant bail to the petitioners on the score of delay.

5. The Trial Court is directed to expedite the trial and conclude the same at an early date.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)