

19.12.2023
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 1956 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.11.2023 in connection with Baishnabnagar Police Station Case No.572 of 2019 dated 02.11.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.25 of 2019)

And

In Re: ***Kawsar Ali***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Benajir Hasna
Ms. Puja Goswami
Mr. Aliul Islam

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected by this court in August, 2023 and Special Leave Petition was withdrawn.
3. We have considered the materials on record. There are ample materials to show complicity of the petitioner in the crime. Hence, we are not inclined to grant bail to the petitioner on merits.
4. The application for bail is thus rejected.
5. On the score of delay we note though petitioner is in custody for more than four years, the trial court remained vacant for a considerable period of time which attributed to the delay. Balancing the right to speedy trial of the petitioner on one hand and delay due to systemic reasons on the other hand, we are of the opinion a last

opportunity to conclude prosecution evidence ought to be given to the State.

6. Trial court is directed to conduct the trial on a day to day basis and conclude the same preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)