

21.12.2023
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 2028 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.11.2023 in connection with Kaliachak Police Station Case No.225 of 2022 dated 24.02.2022 under Sections 22(c)/29 of the NDPS Act.

And

In Re: ***Moktarul Sk.***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Debasis Roy .. Id. Public Prosecutor
Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about ten months. It is further submitted there is delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial has commenced. Delay was due to systemic reasons i.e. cessation of work in the trial court.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected on merits earlier. Delay in the matter is not wholly attributable to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner either on merits or on the score of delay in trial.
4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial and conclude the same 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.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)