

22.01.2024.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 129 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.89 of 2014 arising out of Naihati P.S. Case No.394 of 2014 dated 07.07.2014 under Sections 20(i)(b) of the NDPS Act.

In the matter of : **Sk. Mintu @ Jamai.**

... Petitioner.

Mr. Debasis Kar,
Mr. Husen Mustafi.

...for the Petitioner.

Mr. Prasun Kr. Dutta, Id. A.P.P.
Ms. Rita Datta.

...for the State.

1. Petitioner is in custody for more than five years. He contends there is inordinate delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer. He submits petitioner had absconded from 2015. He was finally produced before the court in 2019. Date has been fixed for recording evidence.

3. We have considered the materials on record. Petitioner was on bail earlier. He absconded in December, 2015 and warrant of arrest came to be issued. He was apprehended in another case in September, 2018 and faced trial in the said case till May, 2023 whereupon he was acquitted. Due to the pendency of the said case, trial in the present case could not proceed. Presently, date has been fixed for consideration of charge.

4. In view of aforesaid circumstances, it cannot be said the delay in the matter is due to the prosecution. It is attributable to the abscondence of the petitioner and the fact that he was facing trial in another case.

5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage on the ground of delay in trial.

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

7. We request the trial court to consider the issue of framing of charge within two months from the next date fixed before it and in the event charge is framed to conclude the trial within one year from the date of framing of charge without granting unnecessary adjournment to either of the parties.

8. Parties shall communicate this order to the Trial Court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)