

02.02.2024

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rejected

C.R.M.(NDPS) No. 127 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 947 of 2021 dated 01.09.2021 under Sections 22(c)/29 of the NDPS Act.

And

In Re : Biswanath Das & Anr. petitioners

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

....for the petitioners

Mr. Koushik Kundu

... for the State

1. Learned Counsel for the petitioners submits they are in custody for two years and five months. It is also submitted there is inordinate delay in trial.

2. Learned Counsel for the State opposes the bail prayer and submits report. From the report it appears during last schedule four witnesses have been examined.

3. We have considered the materials on record. Petitioners were apprehended with 82 bottles of Phensedyl Syrup. They prayed for bail on the ground of inordinate delay in trial. After filing of bail application as per ordersheet placed before this Court we note four witnesses have been examined between 24.02.2022 to 22.05.2024. Dates have been fixed for recording further evidence. In view of the promptitude shown by the prosecution in examining four witnesses during last

schedule, we are of the opinion another opportunity ought to be given to them to conclude the trial in the next schedule fixed in March, 2024. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

4. Application for bail is, thus, rejected.

5. We request the trial court to conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)