

22.01.2024.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 140 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.47 of 2019 arising out of STF P.S. Case No.46 of 2019 dated 21.11.2019 under Sections 22(C)/29 of the NDPS Act.

In the matter of : **Tinku Sk.**

... Petitioner.

Mr. Sandip Dinda.

...for the Petitioner.

Mr. Joydeep Biswas.

...for the State.

1. Petitioner is in custody for more than four years. He contends there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. He submits pursuant to direction given by this Court in CRM (NDPS) 459 of 2023, most of the prosecution witnesses have already been examined.
3. We have considered the materials on record. 10.76 kgs. of yaba tablets were recovered from petitioner and co-accused. Bail prayer of co-accused was turned down in March, 2023 and the trial court was directed to conclude the proceeding preferably within December, 2023. Thereafter, trial has proceeded with due expedition and most of the prosecution witnesses have been examined. Prosecution proposes to examine only two more witnesses.

4. Under such circumstances, we do not feel it prudent to enlarge the petitioner on bail either on merits or on the ground of delay.

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

6. We request the trial court to conclude the trial 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.

7. Parties shall communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)