

24.01.2024

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rejected

C.R.M.(NDPS) No. 153 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan Police Station Case No. 77 of 2021 dated 03.03.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Ekram Sk.

.... petitioner

Mr. Anisur Rahaman

....for the petitioner

Mr. Dipankar Mahata

... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and ten months. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for examination of the accused under Section 313 of the Code of Criminal Procedure. Application has been made to examine the Gazetted Officer i.e. Block Development Officer (in short BDO) who was present at the time of recovery.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Thereafter trial has considerably progressed. Examination of the accused under Section 313 of the Code of Criminal Procedure is complete. At this stage prayer was made for examination of the Gazetted Officer i.e. BDO who was present at the time of

recovery. Examination of the Gazetted Officer is essential for a just decision of the case. Under such circumstances, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same as expeditiously as possible 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.)