

05.02.2024.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 171 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.41 of 2021 arising out of Airport P.S. Case No.167 of 2021 dated 04.06.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : **Serajul Mian @ Sirajul Miya & Anr.**
... Petitioners.

Mr. Kallol Kr. Basu,
Mr. Anindya Sundar Das,
Mr. Debapriya Samanta,
Md. Jannat Ul Firdous,
Mr. Ratul Deb Banerjee.

...for the Petitioners.

Mr. Pravash Bhattacharya,
Mr. Rajes Jana.

...for the State.

1. Supplementary affidavit enclosing the order sheets of the trial court is placed on record.
2. Petitioners are in custody for two years and seven months. They contend there is slow progress in trial. Accordingly, they pray for bail.
3. Learned Advocate for State opposes the bail prayer. He submits report with regard to status of the proceeding.
4. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 99.54 kgs. of ganja recovered from a van. Petitioners were present in the van. By order dated 24.01.2022 in CRR 184 of 2022, a learned Single Judge of this Court directed framing of charge on the next date

fixed i.e. on 4th June, 2022. However, charge came to be framed in April, 2022 and thereafter, five witnesses have already been examined.

5. The aforesaid facts show trial in the present case has progressed reasonably and case for bail on the ground of delay in trial is not made out at this stage.

6. Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

7. Accordingly, the prayer for bail of the petitioners is rejected.

8. However, in view of period of detention already suffered by the petitioner, we direct the trial court to conduct trial with utmost expedition and to conclude the same 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.

9. Parties shall co-operate and communicate this order to the Trial Court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)