

23.02.2024
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 363 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2024 in connection with Berhampore Police Station Case No.1001 of 2020 dated 06.10.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.223 of 2020)

And

In Re: ***Samayun Sk.***

... .. Petitioner

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

... .. for the petitioner

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years and four months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay is not at the behest of the prosecution but due to systemic reasons and non-cooperation of accused persons.
3. We have considered the materials on record. Narcotics i.e. 1 kg. of *Heroin* was recovered from the petitioner. Trial is in progress. Six witnesses have been examined in full and the seventh witness has been examined in part. Delay in the matter is not wholly attributable to the prosecution. Recording of evidence could not take place on various dates due to absence of the Presiding Officer and adjournment sought on behalf of co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed to fix schedules at short intervals of 3-4 days and conclude the examination of prosecution witnesses within two months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Thereafter, the trial court shall proceed to the next stage of trial and conclude the same not later than three months from the date of conclusion of recording prosecution evidence.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)