

04.03.2024.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 420 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.19 of 2021 arising out of Debra P.S. Case No.344 of 2021 dated 11.07.2021 under Sections 20(b)(ii)(c) of the NDPS Act and Sections 25/27 of the Arms Act.

In the matter of : **Pramod Das.**

... Petitioner.

Sk. Toslim Ali.

...for the Petitioner.

Mr. Koushik Kundu.

...for the State.

1. Petitioner is in custody for two years and seven months. He submits there is slow progress in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer was rejected earlier. Trial schedule has been fixed between 1st March to 4th March, 2024. In order to disrupt the trial schedule, bail application has been filed.

3. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 40.5 kgs. of ganja from a vehicle. Petitioner was present in the vehicle. His bail prayer has been rejected earlier on merits. Trial is in progress and four witnesses have already been examined. Thereafter, trial schedule was fixed between 1st March to 4th March, 2024. Just prior to the trial schedule, bail application was filed so

that original case diary is produced before this Court and the schedule is disrupted. We do not appreciate this conduct of the petitioner. His approach demonstrates an obstructionist attitude towards prompt examination of witnesses.

4. In view of the incriminating materials on record and conduct of the petitioner, we are not inclined to grant bail to the petitioner.

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

6. We direct the trial court to conduct trial with utmost expedition by fixing schedules at short intervals and conclude the same at an early date preferably within 8 months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

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

8. It is made clear in examination of witnesses shall not be deferred due to filing of bail application on the scheduled dates.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)