

11.03.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 460 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.02.2024 in connection with STF Police Station Case No.7 of 2021 dated 13.03.2021 under Sections 21(c)/27A/29 of the NDPS Act. (NDPS Case No.10 of 2021)

And

In Re: ***Palash Biswas***

... .. Petitioner

Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years and five 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 bail prayer of co-accused was turned down in September, 2023. This Court had requested the trial court to conclude trial preferably within one year. The said timeframe has not expired as yet.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo show petitioner and co-accused were involved in trafficking narcotics i.e. 1.19 kgs. of *Heroin*. Bail prayer of co-accused was rejected in September, 2023. While doing so the court noted that delay was due to systemic reasons i.e. vacancy in the trial court. Taking totality of the circumstances into consideration and as the incumbent had recently joined the post, this Court had requested the trial court to conclude trial within one year. The said timeframe has not expired

as yet. Trial is in progress. At this stage, another co-accused i.e. the petitioner herein has approached the court for bail on the ground of delay in trial. We consider the prayer to be premature as the prosecution is not lax and taking all necessary steps to conclude trial within the proposed timeframe.

4. Accordingly, we are not inclined to grant bail to the petitioner.
5. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)