

12.03.2024

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sdas  
rejected

C.R.M.(NDPS) No. 470 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dum Dum Police Station Case No. 1259 of 2021 dated 03.12.2021 under Section 21(c) of the NDPS Act.

And

In Re : Subhash Das @ Subhas Das @ Pokai .... petitioner

Mr. Debasis Kar

....for the petitioner

Mr. Antarikhya Basu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and three months. There is slow progress in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits directions were given to the trial court to conclude trial expeditiously in CRR 3034 of 2024. Thereafter two witnesses have been examined. Prosecution assures to examine remaining witnesses in the course of the next schedule.

3. We have considered the materials on record. Allegations involve recovery of 5.2 kgs. of Codeine Mixture from the petitioner. Directions were given by a learned Single Judge of this Court in CRR 3034 of 2023 to conduct trial by fixing schedules of three dates once in every sixty days and conclude the same at an early date. Trial court has substantially complied with the aforesaid condition and fixed schedules of two

dates on every sixty days. We are not in agreement with the petitioner that the trial court ignored the directions of the learned Single Judge. It must be borne in mind that these directions have to be considered in a realistic manner keeping in mind the pendency of cases in the file of the Court concerned. Hence, we are of the opinion there is substantial compliance of the directions given by this Court in CRR 3034 of 2023. Trial is progressing in a satisfactory manner. That apart, prosecution has assured this Court to produce remaining witnesses in the course of the next schedule i.e. between 22<sup>nd</sup> April, 2024 to 25<sup>th</sup> April, 2024. Under such circumstances and in the light of the aforesaid assurance we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**