

01.04.2024
Sl. No.15
akd
[Rejected]

C. R. M. (NDPS) 560 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2024 in connection with Bishnupur Police Station Case No.394 of 2021 dated 30.06.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.44 of 2021)

And

In Re: ***Faiyaz Khan @ Fayaj Khan***

... .. Petitioner

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

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Mamata Jana

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and nine months. It is further submitted inspite of direction given by this court to conclude trial within a year which was communicated to the trial court in January, 2023, trial has not come to an end. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits five witnesses have been examined. He assures the court that remaining four witnesses will be examined within four months.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 50 kgs. of *Ganja*, which is above commercial quantity from the petitioner and co-accused. A learned single Judge in CRR 1396 of 2022 (vide order dated 04.05.2022) directed completion of trial preferably within one year from the next date of hearing. Though the order was passed in June, 2022, the same came to be placed before the trial court in January,

2023. Till date five witnesses have already been examined. It cannot be said prosecution is indifferent and has not proceeded with the trial.

4. Learned Advocate for the State assures this court that remaining witnesses shall be examined within six months from the next date fixed for recording evidence subject to cooperation on behalf of the defence and systemic delays. Under such circumstances and in the light of the assurance given by the prosecution, we are not inclined to grant bail to the petitioner.
5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)