

19.04.2024

5
sdas
rejected

C.R.M.(NDPS) No. 595 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1687 of 2021 dated 04.12.2021 under Sections 20(b)(ii)(c)/27A/29 of the NDPS Act.

And

In Re : Sadek Mia @ Sadek Ali & Anr. Petitioners

Mr. Avinaba Patra
Mr. Dipanjan Kndu

....for the petitioners

Mr. Antarikhya Basu
Ms. Diksha Ghosh

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than two years. They pray for bail on the ground of delay in trial.

2. Learned Counsel for the State opposes the bail prayer and submits five out of eight witnesses have already been examined. Two witnesses have been examined in the course of the last schedule fixed on 15.04.2024 and 16.04.2024.

3. We have considered the materials on record. Narcotics above commercial quantity was recovered from the petitioners. Trial is in progress. To test the bona fides of the prosecution we adjourned hearing of the application for examination of witnesses in the course of the schedule fixed on 15th April, 2024 and 16th April, 2024. Prosecution examined two

witnesses in the course of the said schedule. This shows seriousness on the part of the prosecution to conclude the trial at an early date. Three more witnesses are to be examined and prosecution assures this Court that trial shall be completed within six months from the next date fixed for examination of the witnesses subject to co-operation by defence and systemic delays. In view of the aforesaid facts we are not inclined to grant bail to the petitioners either on merits or on the score of delay in trial at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date in the light of the assurance given by the prosecution.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)