

30.04.2024
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 733 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2024 in connection with Special Task Force Kolkata Police Station Case No.01 of 2021 dated 03.01.2021 under Sections 21(c)/22(c)/29 of the NDPS Act. (NDPS Case No.02 of 2021)

And

In Re: ***Rabiul Hussain @ Hossain***

... .. Petitioner

Mr. Rajeev Lochan Chakraborty

... .. for the petitioner

Mr. Subrata Roy

Mr. Mirza Firoj Ahmed Begg

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years. 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 the petitioner and co-accused was rejected earlier by this court as well as the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No. 13716/2023. The Apex Court by order dated 30.10.2023 directed the trial to be concluded within two years.
3. We have considered the materials on record. A large volume of narcotics was recovered from the petitioner and co-accused. Bail prayer of the petitioner and co-accused was rejected by this court earlier. Co-accused went to the Apex Court and by order dated 30.10.2023 his bail prayer was rejected. Hon'ble Apex Court directed to conclude trial within two years. The said timeframe has not expired as yet.

4. Learned Advocate for the petitioner contends only one witness has been examined in part. To counter this argument prosecution contends defence had sought deferment of cross-examination.
5. We note narcotics above commercial quantity was recovered from the petitioner. Trial is in progress. Defence had prayed for deferment of cross-examination and thereby contributed to the delay. Timeframe proposed by the Apex Court has also not expired. Under such circumstances, we are not inclined to grant bail to the petitioner.
6. The application for bail is thus rejected.
7. Trial court is directed to fix schedules of 2-3 days at short intervals and conclude the same at an early date. Parties shall cooperate with the trial court in that regard and no adjournment/deferment of examination/cross-examination of witness shall be granted if witness is present.
8. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)