

CRM (NDPS) 776 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Khardah Police Station** Case No. **62 of 2022** dated **24.01.2022** under Sections **21(c)** of the NDPS Act.

- A n d -

In the matter of : Lalla Rajbhar

.... Petitioner.

Mr. Subhajit Chowdhury,

... For the Petitioner.

Mr. Debasis Roy, Ld. PP,
Mr. Arijit Ganguly,
Mr. Koushik Kundu,

... For the State.

Read order dated May 7, 2024, which is to the following effect:-

1. *"It is submitted on behalf of the petitioner that he is in custody for about two years and three months. Accordingly, he prays for bail.*
2. *Learned Advocate for the State submits schedule for examination of witnesses has been fixed from 13.06.2024 to 15.06.2024. He assures this court remaining witnesses shall be examined in course of the said schedule.*
3. *To test the bonafides of the prosecution, we adjourn the hearing of the application till **18.06.2024**.*
4. *Prosecution is directed to examine the remaining witnesses in course of the aforesaid schedule.*
5. *Report with regard to progress in trial be filed on the adjourned date."*

Learned Advocate for the State today says that because of a mis-communication between the Investigating Officer and the learned State Advocate, no witness could be examined during the schedule fixed from June 13, 2024 to June 15, 2024. The next date schedule is fixed from July 22, 2024 to July 24, 2024.

We see from the records that 1.4 liters of phensedyl syrup was recovered from the possession of this petitioner, who is the sole accused. There is sufficient prima facie incriminating evidence against him.

Therefore, although the petitioner has been in custody for two years and five months, we are not inclined to enlarge him on bail immediately keeping in mind the restriction in Section 37 of the NDPS Act.

CRM (NDPS) 776 of 2024 is, thus, dismissed.

However, we direct the learned Trial Court to conclude the witness action during the next schedule and dispose of the trial at the earliest but definitely by August 31, 2024. Naturally, the petitioner shall render all cooperation for such speedy disposal and the State shall also not obtain any adjournment.

We clarify that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order to the learned Trial Court forthwith.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)