

19.06.2024
Item no. 3.
Court No.28.
AB
(Rejected)

CRM (NDPS) 818 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.275 of 2022 dated 5.5.22 under Sections 21C/29 of the NDPS Act

And

In the matter of : Dhubor Sk. @ Dubhor Sk.

.....Petitioner.

Mr. Tapodip Guptafor the Petitioner.

Mr. Bitoshok Banerjee
Ms. Madhumita Basakfor the State.

The petitioner says that he is in custody for about two years and one month. Only two out of eight witnesses have been examined. Allegedly, 100 bottles of phensedyl were recovered from the exclusive possession of the petitioner.

The petitioner's prayer for bail was rejected by an order dated December 19. 2023, passed by a Coordinate Bench in CRM (NDPS) No.1993 of 2023. The petitioner renews his prayer on the ground of delay in conclusion of the trial.

Learned Advocate for the State opposes the prayer. He says that the delay in trial is because of the conduct of the co-accused persons who absented themselves from the trial.

We are not satisfied with the explanation furnished on behalf of the State. However, since witness action has begun, we direct the learned Trial Court to conclude the trial at an early

date and positively within four months from the next date fixed for recording of evidence without granting any unnecessary adjournment to either of the parties.

The prayer for bail stands rejected.

CRM (NDPS) 818 of 2024 is dismissed.

We make it clear, if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

Let this order be communicated by the parties to the learned Trial Court.

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

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)