

30.05.2024
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C.R.M. (NDPS) 885 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Titagarh PS Case no. 188 of 2022 dated 12.3.2022 under section 21(c) of the NDPS Act.

and

In Re : Sk. Shamim @ Bittu

..... petitioner

Mr. Subhajit Chowdhury

..... for the petitioner

Mr. R D Nandy

Ms. Sanjana Saha

..... for the State

1. Petitioner is in custody since 12.3.2022.
2. The subject matter of the case involves recovery of 1.5 lts. codeine mixture from the possession of the petitioner. It is also seen from the record that out of seven witnesses proposed to be examined by the prosecution, four of the witnesses have been examined. Three witnesses are yet to be examined and last of the witness was examined by the prosecution in all probability on November 2023. It has been informed that the next schedule is fixed on and from 21st June 2024.
3. Mr. Nandy learned advocate for the State prays for some accommodation so that the trial may be completed.
4. Having regard to the fact that more than 26 months have passed, we direct that if the trial of the case is not concluded by 15th September 2024, the learned trial court being the learned Special Judge under NDPS Act, Barrackpore would release the petitioner on bail on such terms and conditions as it deems fit and proper.

5. Learned trial court is directed to fix the schedule consisting of three dates and fix such schedule once in every month. Trial of the case would continue in spite of any resolution of the local bar and representing advocates will not deter the progress of the trial in case any witness for the prosecution is present. No unnecessary adjournments should be granted to either of the parties by the learned trial court.

6. With the aforesaid observations, CRM (NDPS) 885 of 2024 is disposed of.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this court.

(Biswaroop Chowdhury, J.)

(Tirthankar Ghosh, J.)