

19.06.2024
Item no.12.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 916 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Uttam Gorai.

.....Petitioner.

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh,for the Petitioner.

Mr. Joydeep Biswas
Ms. Rajnandini Das, ...for the State.

Allegedly, approximately, 103 Kg. of Ganja was recovered from the joint possession of the petitioner and his wife. The petitioner says that he is in custody for two years, one month and twenty-one days. His fundamental right under Article 21 of the Constitution is being infringed.

Learned advocate for the State says that there is sufficient direct evidence against the petitioner. One out of sixteen witnesses has already been examined. The State will spare no effort to try and ensure an early conclusion of the trial.

Having considered the facts and circumstances of the case and the material on record, we are not inclined to allow the petitioner's prayer for bail in view of the huge quantity of contraband items being involved.

CRM (NDPS) 916 of 2024 is dismissed.

However, since the petitioner is in custody for about two years and two months, we direct the learned Trial Court to expedite the trial to the fullest and conclude the same within eight months from the next date fixed for recording of evidence. We clarify that in the event the trial is not concluded within the time period indicated above, the petitioner shall be entitled 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.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)