

25.06.2024
Item no.08.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 930 of 2024

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

And

In the matter of : Harekrishna Bala @ Hare Krishna Bala @

Moron Bala @ Maran Bala.

.....Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Mr. J. Mondak,

.....for the Petitioner.

Mr. Shekhar Barman,

...for the State.

This is the second application for bail filed by the petitioner. The first application was dismissed by a Co-ordinate Bench by an order dated July 20, 2023 passed in CRM (NDPS) 1284 of 2023. The petitioner renews his prayer on the ground that subsequent to the aforesaid rejection of his prayer, the Hon'ble Supreme Court has been pleased to grant bail to a co-accused person by an order dated May 15, 2024. The petitioner says that he stands on the same footing as the aforesaid person.

Learned advocate for the State opposes the prayer and says that other person who was granted bail did not have antecedents as recorded by the Hon'ble Supreme Court. This person has antecedents. Several N.D.P.S. cases are pending

against him. The last witness is being examined by the prosecution. The trial is on the verge of conclusion.

Considering the facts and circumstances of the case and that 824 kgs of Ganja was seized from the accused persons and that the trial is about to conclude, we are not inclined to grant bail to the petitioner. He does not stand on the same footing as the accused person who has been granted bail by the Hon'ble Supreme Court.

CRM (NDPS) 930 of 2024 is dismissed.

However, since the petitioner is in custody for 2 years and 6 months, we direct the learned Trial Court to conclude the trial by delivering judgment within 2 months from the next date fixed for recording of evidence.

If the trial is not concluded within the time period indicated herein, the petitioner will 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)