

02.07.2024
Item no. 27.
Court No.28.
AB
(Rejected)

CRM (DB) 1815 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur P.S. Case No.316 of 2021 dated 25.10.21 under Sections 186/332/333/353/120B of the Indian Penal Code read with Section 25(1)a/25(7)/26/27 28/35 of the Arms Act

And

In the matter of : Afzal Hussain

.....Petitioner.

Md. Syed Shahid Imam,
Ms. Shaika Khan,
Md. Khairul,
Md. Shahbaaz Khanfor the Petitioner.

Mr. Subhamoy Bhattacharya
Ms. Debadrita Mondalfor the State.

The petitioner says that he is in custody for 900 days. 2 out of 13 witnesses have been examined. There is no likelihood of an early conclusion of the trial. He should be granted bail.

Learned Advocate for the State vehemently opposes the prayer for bail. He says that the petitioner and the other accused persons were found to be illegally manufacturing arms. Huge quantity of illegal arms was recovered from them. The bail prayer of co-accused persons has been rejected. The petitioner stands on the same footing as those persons.

We have considered the material on record including the seizure list. We have also considered the statements of witnesses recorded under Section 161 Cr.P.C. The charge is grave. The illegal activities, with which the accused persons have been charged, have an effect on the society as a whole.

In view of the gravity of the charge and the material available in the case diary, we are not inclined to allow the petitioner's prayer for bail, immediately.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1815 of 2024 is dismissed.

However, we are conscious that an accused person cannot be detained in custody for an indefinite period of time just because there is delay in conclusion of the trial. A citizen's fundamental right to personal liberty and speedy trial cannot be undermined.

We direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same at the earliest and definitely within six 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 as indicated above, the petitioner will be at liberty to renew his prayer for bail.

The parties shall communicate this order 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.)

