

25.06.2024
Item no.38.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 967 of 2024

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

And

In the matter of : Ashok Debnath.

.....Petitioner.

Mr. Kamalesh Chandra Saha,
.....for the Petitioner.
Mr. Koushik Kundu,
Ms. Puspita Saha,
...for the State.

The petitioner renews his prayer for bail. He is one of three accused persons. His prayer for bail was earlier rejected by an order dated December 19, 2023, passed by a Co-ordinate Bench in CRM (NDPS) 1976 of 2023. By that order, the Co-ordinate Bench had directed the Trial Court to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed before it without granting unnecessary adjournment to either of the parties.

The petitioner says that after passing of the said order, no substantial progress has been made in the trial. Till date only 3 out of 13 witnesses have been examined. It is practically not possible to conclude the trial within the time period indicated in the aforesaid order of the Co-ordinate Bench. He should be enlarged on bail.

Learned advocate for the State says that one of the co-accused persons was arrested and he had applied for bail by filing CRM (NDPS) 540 of 2024. That application was rejected by the Co-ordinate Bench by an order dated April 4, 2024. That order records that the prosecution assures the Court that remaining witnesses shall be examined within one year from the next date fixed for recording evidence subject to co-operation by the defence and systemic reasons. The Court disposed of the bail application by directing the Trial Court to expedite the trial in view of the assurance given by the prosecution and conclude the same at an early date.

The period of one year from December 19, 2023, has not yet elapsed. We are, therefore, not inclined to entertain this application for bail, at this stage.

CRM (NDPS) 967 of 2024 is dismissed.

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.)