

25.06.2024
Item no.37.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 966 of 2024

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

And

In the matter of : Sajjad Alom @ Sajjad Alam.

.....Petitioner.

Mr. Arindam Jana,
Mr. Sk. Toslim Ali,
.....for the Petitioner.
Mr. Debasis Roy, Ld. P.P.,
...for the State.

The petitioner is one of two accused persons from whom commercial quantity of contraband items was seized. The petitioner is aggrieved by the fact that he is in custody for more than 1 year and 10 months. According to him, only 1 out of 13 witnesses has been examined till date. His fundamental right to personal liberty is being infringed. He prays for bail.

Learned advocate for the State says that in fact, 2 out of 13 witnesses have been examined. The next schedule for examination of witnesses has been fixed from August 3 to August 6, 2024. He says that within six months recording of evidence may be concluded.

We have considered the facts and circumstances of the case. Considering the material on record and the restriction under Section 37 of the N.D.P.S. Act, we are not inclined to enlarge the petitioner on bail immediately.

CRM (NDPS) 966 of 2024 is dismissed.

However, we cannot lose sight of the importance of the right to personal liberty. Since the petitioner has been in custody for close to two years, we direct the learned Trial Court to expedite the trial to the fullest and conclude the same at the earliest but definitely within 6 months from the next date fixed for recording of evidence.

We make it clear that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty 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.)