

51.  
25-06-2024  
(ct. no.28)  
debajyoti  
(rejected)

### CRM (NDPS) 980 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Seizure Case No.12/NDPS/CL/Phensydy1/BCPU/CCP/WB/2021-22 dated 27-11-2021 under Sections 21(c)/ 29 of the N.D.P.S Act.

- A n d -

**In the matter of : Md. Ashraf Ali**

.... Petitioner.

Ms. Shabana Hasin,  
Ms. Samima Akter Banu

... For the Petitioner.

Mr. Rajashree Kundalia,  
Mr. Abhradip Maity

... For the Opposite Parties.

The petitioner renews his prayer for bail which was rejected on three earlier occasions, lastly by an order dated January 17, 2024 passed in CRM (NDPS) 106 of 2024.

The petitioner says that he is in custody for two years seven months. Witness action has not yet begun. It is anybody's guess as to when the trial would conclude. He prays for bail on the ground of delay in trial.

Learned advocate for the State submits that charge was framed in February, 2024. The schedule for examination of witnesses has been fixed for July 03 and July 05, 2024. There are eight witnesses. There is *prima facie* incriminating evidence against the petitioner.

Having considered the facts and circumstances of the case and the material on record, we are not inclined to enlarge the petitioner on bail, at this stage.

The application for bail being CRM (NDPS) 980 of 2024 is, thus, **dismissed**.

However, since the petitioner is in custody for a substantial period of time, keeping in mind the importance of the fundamental right to personal liberty and speedy trial, we direct the learned trial Court to conclude the trial at the earliest and positively within six months from the next date fixed for recording of evidence, without granting unnecessary adjournment to either of the parties.

We clarify that in the event the trial is not concluded within the aforesaid time period, the petitioner will be at liberty to renew his prayer for bail.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**