

52.
25-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 981 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No.269 of 2023 dated 30-04-2023 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Loknath Chowdhury @ Sona

.... Petitioner.

Mr. Subhajyoti Chandra,
Mr. Gaurav Kumar Nath

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Payel Ghosh

... For the State.

The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench by an order dated December 18, 2023 passed in CRM (NDPS) 1769 of 2023.

The petitioner says that he is in custody for about one year two months. Only one out of nine witnesses has been examined. His fundamental right to personal liberty is being abrogated. He should be immediately enlarged on bail.

Learned advocate for the State points out that charge was framed in September 2023. Thereafter, witness action has begun. All endeavours will be made to bring the trial to an early conclusion. There is *prima facie* incriminating evidence against the petitioner.

In view of commercial quantity of Codeine mixture being involved, we are not inclined to entertain the petitioner's prayer for bail, at this stage, keeping in mind the restrictions in Section 37 of the NDPS Act.

The application for bail being CRM (NDPS) 981 of 2024 is, thus, **dismissed**.

However, since the petitioner is in custody for quite some time, we direct the learned trial Court to expedite the trial to the fullest extent and bring the same to its logical conclusion as soon as possible and preferably, within a period of one year from the next date fixed for recording of evidence.

We clarify that if the trial is not concluded within the time period indicated above, the petitioner shall be entitled to renew his prayer.

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.)