

25.06.2024
Item no.42.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 971 of 2024

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

And

In the matter of : Ananda Barai.

.....Petitioner.

Mr. Tapodip Gupta,
.....for the Petitioner.
Mr. Avishek Sinha,
Ms. Pindi Sarkar,
...for the State.

The petitioner's prayer for bail was earlier rejected by a Co-ordinate Bench by an order dated November 20, 2023, passed in CRM (NDPS) 1761 of 2023. The petitioner had carried such order to the Hon'ble Supreme Court by way of a Special Leave Petition which was dismissed by the Hon'ble Apex Court by an order dated February 23, 2024 noting that huge quantity of cough syrup had been seized and the charges have already been framed in the Trial Court.

The petitioner renews his prayer for bail. He says that he is in custody for 1 year, 9 months and 27 days. Witness action has not even begun. There is no possibility of early conclusion of trial. He should be enlarged on bail.

Learned advocate for the State says that the Hon'ble Supreme Court very recently rejected the prayer for bail noticing that charge has been framed. The schedule for examination of

witness has been fixed from July 9 to July 11, 2024. All endeavours will be made to bring the trial to an early conclusion. Since 5000 bottles of Phensedyl is involved and there is, prima facie, incriminating evidence against the petitioner, we are not inclined to allow the petitioner's prayer for bail, keeping in mind the restriction in Section 37 of the N.D.P.S. Act.

CRM (NDPS) 971 of 2024 is dismissed.

However, since the petitioner has been in custody for quite some time, we request the learned Trial Court to expedite the trial, if necessary by fixing frequent schedules for examination of witnesses and bring the trial to an early conclusion, preferably within a year from the next date fixed for recording of evidence. If the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

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.)