

25.06.2024
Item no.44.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 973 of 2024

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

And

In the matter of : Sinarul Islam @ Saddam @ Saddam Sk.

.....Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,
.....for the Petitioner.
Mr. Anand Keshri,
Mr. Rahul Ganguly,
...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a Co-ordinate Bench by an order dated August 30, 2023 passed in CRM (NDPS) 1281 of 2023.

The petitioner says that he is in custody for more than 2 years and 1 month. Not a single witness out of 8 witnesses has been examined till date. He prays for bail on the ground of delay in progress of trial.

The State opposes the prayer. Learned advocate says that charge was framed in December, 2023. First schedule fixed for examination of witness failed because the accused could not be produced due to General Elections. The next schedule has been fixed from July 22 to July 24, 2024. All endeavours will be made to conclude the trial at an early date.

We do notice that the petitioner has been in custody for quite some time. However, we also note that there was some delay in the trial because of the fact that the co-accused persons absented themselves from the trial Court. Commercial quantity of contraband was recovered from the possession of the petitioner. We are not inclined to grant bail to the petitioner, at this stage.

CRM (NDPS) 973 of 2024 is dismissed.

However, since personal liberty is extremely important, we direct the learned Trial Court to expedite the trial to the fullest and bring the same to its conclusion at an early date and positively within 8 months from the next date fixed for recording of evidence, subject to the petitioner fully co-operating with the learned trial Court.

We clarify that in the event, 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.)