

29.
28-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1010 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No.535 of 2021 dated 09-10-2021 under Sections 21(c)/22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act read with Section 27A of the Drugs and Cosmetics Act.

- A n d -

In the matter of : Asadul Hoque

.... Petitioner.

Mr. Tapodip Gupta

... For the Petitioner.

Mr. Dipankar Mahata

... For the State.

4900 bottles of *phensedyl* was recovered from the joint possession of the accused persons, one of whom is the petitioner. In view of commercial quantity of contraband being involved, we are not inclined to grant bail to the petitioner.

However, the petitioner prays for bail on the ground of inordinate delay in the progress of trial. He says that he is in custody for 2 years 8 months. Nobody knows when the trial would conclude.

Learned advocate for the State says that 16 out of 24 witnesses have already been examined. The trial would come to an end very soon.

We are conscious that the petitioner has been in custody for quite some time. We are also aware of the importance of the fundamental right of a citizen to personal liberty and speedy trial. However, in the present case, *prima facie*, there are sufficient incriminating material against the petitioner and the trial is at an advanced stage.

We direct the learned trial Court to expedite the trial as much as possible and conclude the same as soon as it can, but definitely within a period of three months from the next date fixed for recording of evidence.

We clarify that if the trial is not concluded within the time period indicated herein, the petitioner will be entitled to renew his prayer for bail.

The application for bail being CRM (NDPS) 1010 of 2024 is, thus, **dismissed**.

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.)