

24.
03-07-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1027 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dasnagar Police Station Case No.66 of 2022 dated 18-06-2022 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Md. Abdul @ Md. Abdullah

.... Petitioner.

Mr. Sk. Toslim Ali

... For the Petitioner.

Mrs. Faria Hossain,
Mrs. Shaila Afrin

... For the State.

The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench by an order dated June 08, 2024 in CRM (NDPS) 1075 of 2023.

Allegedly 1.5 litres of Codeine Phosphate, much above commercial quantity, was seized from the petitioner. We have seen the Seizure Memo and statements of witnesses. There are *prima facie* incriminating evidence against him. In view of the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The petitioner complains of undue delay in progress of the trial. He says that he is in custody for 2 years 15 days. We appreciate his anxiety. We are also not unmindful of the importance of a citizen's fundamental right to personal liberty and speedy trial. However, such right must be balanced against the interest of the society. There is sufficient incriminating evidence against the petitioner.

The State says that two out of eleven witnesses have been examined. If six months' time is granted, the trial can be concluded.

In view of the aforesaid, we direct the learned trial Court to expedite the trial and conclude the same at the earliest, but positively within eight months from the next date fixed for recording of evidence.

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

The application for bail being CRM (NDPS) 1027 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.)