

16. 08.07.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1020 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Nabagram P.S. Case No. 32/2022 dated 01.02.2022.

And

In the matter of: - **Asraf Ali @ Firoj**

...petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Binoy Shaw, Adv.

...for the petitioner.

Mr. Ashok Das, Adv.

...for the State.

The petitioner renews his prayer for bail which was dismissed as not pressed on April, 22, 2024, by a co-ordinate Bench in CRM (NDPS) 696 of 2024.

The petitioner says that he is in custody for two years and five months. Ten out of thirty two witnesses have been examined only. It is anybody's guess as to when the trial will conclude. He should be granted bail.

Learned Advocate for the State strongly opposes the prayer for bail.

We find from records that on an application for bail made by a co-accused person, namely Atabur Rahaman, a co-ordinate Bench, by an order dated October 18, 2023, in CRM (NDPS) 1712 of 2023, while rejecting the prayer for bail, requested "*the trial court to conduct trial expeditiously by fixing schedules for*

examination of witnesses at quick intervals and to conclude the same at an early date preferably within 18 months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.”

The matter having been carried to the Hon’ble Supreme Court, an order dated February 19, 2024, was passed, which reads as follows:

“It is not an issue that three out of 32 witnesses have already been examined by the prosecution. The High Court has already directed the Trial Court to conclude the trial within one year i.e. by January, 2025.

In these circumstances, we are not inclined to consider this petition for grant of bail, however, if the trial is not concluded within a period allowed by the High Court, for no reason attributable to the petitioner, it will be open to the petitioner to revive his prayer for bail.”

In view of the aforesaid, we see that the Hon’ble Supreme Court has granted liberty to the petitioner to renew his prayer for bail if the trial is not concluded within the time period indicated by the co-ordinate Bench of this Court, in the order dated October 18, 2023. Therefore, we are not inclined to entertain the petitioner’s prayer for bail, at this stage.

The prayer for bail is rejected.

The application being CRM (DB) 1020 of 2024 is accordingly dismissed.

Learned Trial Judge is directed to do everything possible so that the trial is concluded within the time period indicated by the Hon’ble Supreme Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)