

03.07.2024
Item no.22.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1025 of 2024

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

And

In the matter of : Dilip Tiwari.

.....Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Soubhik Mitter,
Ms. Rajnandini Das,
Mr. Karan Bapuli,for the Petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Sagar Saha, ...for the NCB.

The petitioner is one of two accused persons. He says that he is in custody for 1 year 8 months. The co-accused had approached this Court for relaxation of condition of bail which he had been granted earlier. That application was disposed of by directing the Trial Court to complete the trial on a day to day basis and conclude the same within 6 months from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties.

Mr. Basu, learned senior advocate appearing for the petitioner says that more than 6 months have passed. The trial is yet to be concluded. The petitioner's fundamental right to personal liberty and speedy trial has been sent for a toss. He should be immediately enlarged on bail.

Mr. Bhattacharyya, learned advocate for the NCB says that 4 out of 8 witnesses have been examined. The next schedule for examination is fixed on July 5 and July 9, 2024. There is sufficient incriminating evidence against this petitioner. Huge quantity of poppy straw was seized from the petitioner. It is true that the time schedule directed by the co-ordinate Bench could not be adhered to. However, some more time may be granted for completion of the trial.

Considering the facts and circumstances of the case and the fact that commercial quantity of narcotic is involved and also that the trial is at an advanced stage, we do not allow the petitioner's prayer for bail, at this stage.

CRM (NDPS) 1025 of 2024 is dismissed.

However, we direct the learned Trial court to ensure that the trial is concluded within 3 months from the next date fixed for recording of evidence, if necessary by holding the trial on day to day basis.

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

Let this order be communicated by the parties to the learned Trial Court.

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.)