

26.
03-07-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1029 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. Police Station Case No.37 of 2019 dated 19-09-2019 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Gobardhan Gond

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Ranjit Malakar

... For the Petitioner.

Mr. Madhusudan Sur, learned A.P.P.,
Mr. Shiladitya Banerjee

... For the State.

The petitioner says that he is in custody for 4 years 9 months 15 days. Only 3 out of 8 witnesses have been examined. By an order dated May 16, 2023, a coordinate Bench, while rejecting his earlier prayer for bail, had directed the learned trial Court *“to fix schedule for examination of witnesses at regular intervals and conclude the trial within a year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties”*. Learned advocate for the petitioner says that in spite of such direction, the trial is still pending. He prays for immediate bail.

Learned advocate for the State says that in fact, 4 out of 8 charge-sheet named witnesses have been examined. The prosecution will examine in all seven witnesses. July 29 and 31, 2024 have been fixed as next schedule for examination. 867 kgs. of *Ganja* was recovered from the vehicle which was being driven by the petitioner. Some more time may be granted for conclusion of the trial.

Considering the *prima facie* incriminating evidence against the petitioner and the huge quantity of contraband item involved, we are not inclined to allow the petitioner's prayer for bail, at this stage, also because the trial is at an advanced stage. We are conscious of a citizen's right to speedy trial and personal liberty. However, the same has to be balanced against the greater public interest and interest of the society.

In the facts and circumstances of this case, we direct the learned trial Court to positively conclude the trial within three months from the next date fixed for recording of evidence, if necessary, by conducting the trial on a day-to-day basis, without granting any unnecessary adjournment to either of the parties.

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) 1029 of 2024 is, thus, **dismissed**.

Parties shall communicate this order to the learned trial Court.

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.)