

CRM (NDPS) 1033 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Farakka Police Station** Case No. **186 of 2023** dated **25.04.2023** under Sections **21(C)/29** of NDPS Act.

- A n d -

In the matter of : Mokam Ali @ Anr.

.... Petitioners.

Mr. Arnab Chatterjee,
Ms. D. Biswas,
Ms. P. Bose,

... For the Petitioners.

Mr. Manoranjan Mahato,

... For the State.

The petitioners renew their prayer for bail which was rejected by a coordinate Bench by an order dated February 9, 2024, passed in CRM (NDPS) 271 of 2024. They say that they are in custody for one year and two months. Charge has yet not been considered. There are ten witnesses named in the charge sheet. Nobody knows when the trial will conclude. They should be enlarged on bail.

Learned Advocate for the State says that July 29, 2024 has been fixed as the date for consideration of charge. He says that charge could not be framed because of general elections.

We find that the Coordinate Bench while rejecting the bail prayer of the petitioners by its order dated February 9, 2024, had directed the learned Trial Court to consider the issue of framing of charge at the earliest and in the event charge is framed, to take the proceeding to its logical conclusion without unnecessary delay. We do not see that such direction has been adhered to. Almost five

months have elapsed since that order was passed. Charge is yet to be considered.

Be that as it may, we direct the learned Trial Court to consider the issue of framing of charges on the date fixed for the same, i.e., July 29, 2024 and take a decision in that regard on that date. If charges are framed, the learned Trial Court shall expedite the trial to the fullest extent possible and shall conclude the same as early as possible but positively within one year from the date of framing of charges.

In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order to the learned Trial Court.

CRM (NDPS) 1033 of 2024 is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)