

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

CRM (NDPS) 1031 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No.1282 of 2022 dated 06-11-2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Ekramul Mondal

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

... For the Petitioner.

Mr. Saryati Dutta,
Mr. Asif Dewan

... For the State.

The petitioner says that he is in custody for 1 year 8 months. Charge sheet was filed in July, 2023. Charge was framed in August, 2023. Only two out of ten witnesses have been examined so far. The progress of the trial has been very unsatisfactory. He prays for bail.

Learned advocate for the State, while opposing the prayer for bail, says that much more than commercial quantity of *Phensedyl* syrup containing Codeine Phosphate was seized from the exclusive possession of the petitioner. The incriminating evidence against him is clinching. All efforts will be made to expedite the trial and conclude the same at the earliest. The petitioner should not be enlarged on bail, at this stage.

We have considered the material on record. We are conscious that right to speedy trial is a fundamental right of a citizen. However, the same has to be juxtaposed with other factors. The *prima facie* evidence against the

petitioner is adequate. We are not inclined to enlarge the petitioner on bail, at this stage.

However, keeping in mind the lengthy detention of the petitioner, we direct the learned trial Court to expedite the trial to the maximum possible extent and conclude the same at the earliest, but positively within six months from the next date fixed for recording of evidence, if necessary by fixing frequent schedules of 2/3 days.

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

The application for bail being CRM (NDPS) 1031 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.)