

08.07.2024
Item no.41.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1063 of 2024

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

And

In the matter of : Mominul Sk.

.....Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,
.....for the Petitioner.

Mr. Anindya Sundar Chatterjee,
...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a Co-ordinate Bench by an order dated November 20, 2023 passed in CRM (NDPS) 1755 of 2023.

Learned advocate for the petitioner says that while rejecting the petitioner's prayer, the co-ordinate Bench had requested, *"the Trial Court to fix schedule for examination of witnesses at short intervals and to conclude the trial at an early date preferably within eighteen months from the date fixed for recording evidence without granting unnecessary adjournment to either of the parties."* Learned advocate says that the learned Trial Court is adjourning matter unnecessarily and till date not a single witness has been examined. There is no way that the trial will conclude within the time period granted by the co-ordinate Bench.

Learned advocate for the State says that all endeavours will be made to conclude the trial within the time period granted by the co-ordinate Bench. August 16 to August 18, 2024 has been fixed as the schedule for examination of witnesses.

We have seen the orders of the learned Trial Judge. They are not very happily framed and do not record the schedule for examination of witnesses. To some extent, Mr. Chatterjee learned advocate for the petitioner is correct. Some of the adjournments may not have been granted.

A co-ordinate Bench has granted time to the learned Trial Court to conclude the trial within 18 months from the date fixed for recording evidence. However, that order passed on November 20, 2023. We are sure the co-ordinate Bench did not anticipate that the schedule for examination will be fixed almost 9 months after that order was passed.

We, accordingly, direct the learned Trial Court to conclude the trial within 1 year from the next date fixed for recording of evidence.

CRM (NDPS) 1063 of 2024 is dismissed.

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.

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.)