

08.07.2024
Item no. 25.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1045 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ketugram P.S. Case No.68 of 2022 dated 19.2.2022 under Sections 15C/29 of the NDPS Act

And

In the matter of : Sadhan @ Dhulo Majhi

.....Petitioner.

Mr. Uday Sankar Chatterjee
Ms. Rajashree Tah
Ms. Bidisha Chakrabortyfor the Petitioner.

Mr. Madhusudan Sur, Id. APP
Mr. Ivan Rayfor the State.

The petitioner says that he is in custody for one year and one month. Although charge was framed on August 28, 2023, witness action has not yet begun. There is no certainty as to when the trial will conclude.

The petitioner further says that he has no truck with the alleged cultivation of poppy straw. The land concerned does not belong to him.

Learned Additional Public Prosecutor, while opposing the prayer for bail, draws our attention to the material in the case diary. He says that the land concerned has been purchased by the petitioner but no mutation has been effected. He says that July 4 to 6, 2024, were fixed for examination of witnesses. However, the Court was not available. All efforts will be made to bring the trial to an early conclusion.

Having considered the rival contentions of the parties and the material on record and in view of the prima facie involvement of the petitioner in the alleged offence, we are not inclined to enlarge him on bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (NDPS) 1045 of 2024 is dismissed.

However, since the petitioner has been in custody for more than one year, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date but definitely within one year from the next date fixed, without granting any unnecessary adjournment to either of the parties.

We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The parties shall communicate this order 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.)

