

23.
Court
No.28

11.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1059 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with English Bazar P.S. Case No. 141/2023, dated 29.01.2023.

And

In the matter of: - **Ohidur Momin**

...petitioner.

Mr. Sujoy Sarkar Adv.,
Mr. Mushraf Alam, Adv.,
Ms. Sneha Srivastava, Adv.

...for the petitioner.

Mr. Pravash Bhattacharya, Adv.,
Mr. Aritra Bhattacharya, Adv.

...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench by an order dated December 18, 2023, in CRM (NDPS) 1809 of 2023. The petitioner says that he is in custody for one year and five months. Only two out of 12 witnesses have been examined. Conclusion of the trial will take a long time. He should be granted bail.

While opposing the prayer for bail, learned Advocate for the State says that 305 gms. of heroin was seized from the exclusive possession of this petitioner. There is sufficient incriminating evidence against him. All efforts will be made by the State to expedite the trial.

Considering that there is no change of circumstances since the last rejection and also in view of the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances

Act, 1985, we are not inclined to entertain the prayer for bail, at this stage, on merits.

However, since the petitioner has been in custody for about one and a half years, we direct the learned Trial Court to do everything possible to expedite the trial so that the same can be concluded at an early date and positively within eight months from the next date fixed for recording of evidence, without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

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

This order is to be communicated to the learned Trial Court by both the parties.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)