

08.07.2024
Item no.43.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1065 of 2024

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

And

In the matter of : Swapan Ray @ Swapan Roy.

.....Petitioner.

Mr. Koushik Chowdhury,
Ms. Shreya Hazra,
.....for the Petitioner.
Mr. Atif Ahmed Siddiqui,
...for the State.

The petitioner says that he is in custody for 1 year 4 months. All other accused persons are out on bail. The conclusion of the trial will take a long time. He prays for bail.

Learned advocate for the State, while opposing the prayer, apprises us that this petitioner was absconding for a long time. If granted bail, it is very likely, he will again disappear. Five out of eleven witnesses have already been examined. The trial may be directed to be concluded at an early date.

Going through the material-on-record including the material in the case diary, we find prima facie involvement of the petitioner in the alleged offence. Commercial quantity of contraband is involved. Keeping in mind the restriction in Section 37 of the N.D.P.S. Act as also the fact that the petitioner

was absconding for more than two years, we are not inclined to grant bail to the petitioner, at this stage.

CRM (NDPS) 1065 of 2024 is dismissed.

However, since the petitioner has been in custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same at an early date and definitely within six months from the next date fixed for recording of evidence.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner may 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.)