

08.07.2024
Item no.45.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1067 of 2024

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

And

In the matter of : Mukul Ali @ Mukul Ali Mondal.

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,
.....for the Petitioner.
Mr. A. Bhattacharyya,
...for the State.

The petitioner is aggrieved by the fact that he is in custody for more than 2 years. Witness action has not begun. He prays for bail on the ground of delay in progress of trial.

Learned advocate for the State points out that because a co-accused person was absconding, there was delay in framing of charge. Charge was framed in March 2024. The next schedule for examination of witnesses is fixed on August 27 to August 29, 2024. There are 14 witnesses named in the chargesheet. All efforts will be made for expeditious disposal of the trial.

53 kgs. of Ganja was allegedly seized from the accused persons including this petitioner. In view of the huge quantity of contraband being involved, we are not inclined to grant bail to the petitioner, at this stage.

CRM (NDPS) 1067 of 2024 is dismissed.

However, the fundamental right of a citizen to speedy trial and personal liberty cannot be undermined. The petitioner has been in custody for a substantial period of time.

We direct the learned Trial Court to do everything possible to expedite the trial and conclude the same within 8 months from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.

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.)