

CRM (NDPS) 1070 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Petrapole P.S. Case No.04/2023 dated 12.01.2023 under Section 21(c) of the N.D.P.S. Act.

And

In the matter of: - **Amitava Mitra**

Mr. Kamalesh Chandra Saha... ... for the petitioner
Mr. Pravas Bhattacharya
Ms. Jonaki Saha... ... for the State

Commercial quantity of contraband items were allegedly recovered from the dicky of the petitioner’s scooter. The petitioner was present at the place of occurrence. His prayer for bail was rejected by a co-ordinate Bench on January 24, 2024. He renews the prayer saying that eight schedules were fixed for examination of witnesses but not one witness has been examined till date. He is in custody for around 500 days.

Learned advocate for the State says that the next schedule for examination of witnesses is fixed on 29/30 August, 2024. All efforts will be made to conclude the trial at an early date.

We find prima facie involvement of the petitioner in the alleged crime. Commercial quantity of contraband items being involved, we are not inclined to allow the petitioner’s prayer for bail at this stage.

Accordingly, the prayer for bail is rejected.

However, considering that the petitioner has been in custody for quite some time, we direct the trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within six months from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties. We clarify that if the trial is not concluded within time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The application being CRM (NDPS) 1070 of 2024 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)