

11.07.2024
Item no. 34.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1079 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Special Task Force P.S. Case No.14 of 2022 dated 26.5.22 under Sections 22C/22B/29 of the NDPS Act

And

In the matter of : Damien Martin

.....Petitioner.

Mr. Francis Samson Corkea
Mr. Sunny Nandy
Sk. Usuff
Ms. Sneha Singh
Ms. Puja Kumari

.....for the Petitioner.

Mr. Soumik Ganguly
Ms. Trisha Rakshit

.....for the State.

The petitioner says that he is in custody for about two years and one month. Only 1 witness has been fully examined. The 2nd witness has been partly examined. It will take a long time for the trial to conclude. His fundamental right to personal liberty and speedy trial is being negated altogether. He prays for bail.

Opposing the prayer for bail, learned State Counsel says that 17 grams of MDMA was recovered from the joint possession of the petitioner and the co-accused persons. This is far beyond commercial quantity. All efforts will be made to expedite the trial. Bail should not be granted.

Since commercial quantity of contraband is involved and keeping in mind the restriction in Section 37 of the NDPS Act and also in view of the prima facie incriminating material against the petitioner, we are not inclined to enlarge the petitioner on bail.

The prayer for bail is, accordingly, rejected.

CRM (NDPS) 1079 of 2024 is dismissed.

However, the petitioner's fundamental right contemplated under Article 21 of the Constitution also cannot be lost sight of. He has been in custody for a substantial period of time. The learned Trial Court is directed to expedite the trial to the utmost and conclude the same at an early date, but positively within six months from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

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.)

