

08. 30.08.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1098 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Ashokenagar P.S. Case No. 122/2021 dated 12.02.2021.

And

In the matter of: - **Partha Saha** ...petitioner.
Mr. Rajeev Lochan (VC) ...for the petitioner.
Mr. Shekhar Barman ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on merits on November 28, 2023, by a co-ordinate Bench in CRM (NDPS) 1832 of 2023. The Trial Court was directed to conclude the trial at an early date.
2. The petitioner says that since November 2023, only one witness has been examined. In all, two out of 24 witnesses have been examined. There is no possibility of an early conclusion of the trial. On the ground of delay he may be enlarged on bail.
3. While opposing the prayer for bail, learned Advocate for the State points out that the bail application of co-accused being Samir Saha, was rejected by a co-ordinate Bench on March 30, 2023, passed in CRM (NDPS) 594 of 2023. By that order, the co-ordinate Bench had directed the Trial Court to conclude the trial within two years from the next date fixed for recording prosecution evidence. He says that the two

years' time period will expire on May 17, 2025. On instruction he says that the trial will definitely be concluded by that date.

4. We find from records that 390 Kgs. of *ganja* was recovered from the joint possession of three accused persons (according to learned Advocate for the petitioner, six accused persons) including this petitioner.
5. In view of the huge quantity of contraband being involved, we are not inclined to exercise our discretion in favour of the petitioner. The prayer for bail is rejected.
6. The application being CRM (NDPS) 1098 of 2024 is accordingly dismissed.
7. We reiterate that the trial should be concluded within the time period indicated by the co-ordinate Bench in the order dated March 30, 2023. In the event it is not so done, the petitioner will be at liberty to renew his prayer for bail.
8. This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)