

24.07.2024
Item no. 5.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1104 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure 1973 in connection with NDPS Case No.89 of 2021 under Section 8C/20B(II)(C)/29 of the NDPS Act

And

In the matter of : Subham Kr. Sharma

.....Petitioner.

Mr. Milan Mukherjee, Sr. Adv,
Mr. Apalak Basu,
Mr. Nazir Ahmed,
Ms. Sanghamitra Mriddhafor the Petitioner.

Mr. Joydeep Biswas,
Ms. Sreetama Dasfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for almost three years. Only P.W.1 is in the process of being examined. There is no recovery from his conscious possession. He prays for bail.
2. Learned Advocate for the State, while opposing the prayer for bail, points out that commercial quantity of ganja was recovered from a bus of which the petitioner was the Manager. The petitioner was also in the bus.
3. In view of the aforesaid, the prayer for bail is rejected.
4. CRM (NDPS) 1104 of 2024 is dismissed.

5. While rejecting the bail prayer of a co-accused, a Coordinate Bench, by an order dated October 17, 2023, passed in CRM (NDPS) 1675 of 2023, directed the Trial Court “to conduct the trial as expeditiously as possible and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.” Learned Advocate for the State says that the one year period will expire in February, 2025.
6. We do not know when the next date was fixed for recording evidence after the order dated October 17, 2023, was passed. Whatever that date be, as per the earlier order, within one year from that date, the Trial Court has to conclude the trial.
7. We clarify that if the trial is not concluded by delivery of judgment within the time period indicated above, the petitioner will be entitled to renew his prayer for bail.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

