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16-07-2024
(ct. no.28)
S. De
(Rejected)

CRM (NDPS) 1114 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure

- A n d -

In the matter of : Talat Mahamud.

.... Petitioner.

Mr. S.S. Saha

... For the Petitioner.

Ms. Sonali Das,
Ms. Paromita Sahu,

... For the State.

The petitioner complains that he is in custody for 1 year 3 months. 38 bottles of Phensedyl Syrup was allegedly recovered from the dicky of the motorbike on which he was riding. He had no idea that there was contraband item in the parcel. Charge-sheet was submitted on July 14, 2023. Charge was framed on February 15, 2024. Till date, not a single witness out of 17 charge-sheet named witnesses has been examined. He seeks bail on the ground of undue delay in progress of the trial.

Learned advocate for the State says that the first schedule for examination of witnesses had to be cancelled because of cease work at the local bar. The next schedule has been fixed on July 25-26, 2024. It may not be necessary to examine all 17 witnesses. The State will try to expedite the trial to the extent possible. There is sufficient incriminating material against this petitioner.

In view of the prima facie incriminating material against the petitioner as would appear from the case diary, we are not inclined to grant bail to the petitioner, at this stage, in spite of he having been in custody for about 1 year and 3 months.

CRM (NDPS) 1114 of 2024 is dismissed.

However, the paramount importance of a citizen's fundamental right to speedy trial and personal liberty cannot be undermined.

Therefore, we direct the learned Trial court to do everything possible to expedite the trial and bring the same to its logical conclusion at the earliest and positively within 1 year from the next date fixed for recording of evidence.

We make it clear that in the event the trial is not concluded within the time period indicated herein, the petitioner may renew his prayer for bail.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)