

11.
23-08-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1192 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gurap Police Station Case No.86 of 2020 dated 31-07-2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Hasem Ali @ Sk. Hasem Ali

.... Petitioner.

Ms. Jeenia Rudra

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Mr. Samarjit Balial

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected earlier on June 06, 2023. While rejecting his prayer, a coordinate Bench had directed the trial Court to conduct the trial with utmost expedition by fixing dates for examination of witnesses at regular intervals and conclude the trial at an early date preferably within one year fixed for recording evidence.

The petitioner says that the trial has not concluded within one year as was directed. He is in custody for over four years. On the ground of delay, he prays for bail.

The prosecution tells us that witness action is complete. Examination under Section 313 of the Code of Criminal Procedure was concluded on June 25, 2024. Next date fixed for argument is on November 21, 2024.

Since the trial is on the verge of conclusion and in view of the *prima facie* incriminating material against the petitioner, we are not inclined to allow his prayer for bail, at

this stage, although he may have been in incarceration for a long period of time.

However, we fail to appreciate as to why when examination under Section 313 of the Code of Criminal Procedure was concluded on June 25, 2024, argument has been fixed after five months. Keeping in view the importance of a citizen's fundamental right to personal liberty and speedy trial, we direct the learned trial Court to prepone the date for argument and conclude the trial by delivering judgment positively by the end of September, 2024.

Learned Registrar General of this Court is requested to forthwith communicate this order to the learned trial Court. Parties will also be at liberty to communicate this order to the learned trial Court.

The application for bail being CRM (NDPS) 1192 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)