

19.08.2024
Item no. 59.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1231 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Park Street Police Station Case No.143 of 2022 Dated 21.10.2022 under Sections 20(b)(ii)(C)/29 of the NDPS Act

And

In the matter of : Subhasish Sarkar @ ChotuPetitioner.

Mr. Raja Mukherjeefor the Petitioner.

Ms. Amita Gour
Mr. Siladitya Banerjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner is in custody for one year and ten months. He says that only 1 out of 7 charge sheet named witnesses has been examined. He prays for bail on the ground of delay in progress of the trial.
2. Learned Advocate for the State, while opposing the prayer, points out from the material in the case diary that 29 kilograms of ganja was seized from the joint possession of the two accused persons, one of whom is the petitioner. The next date is fixed on September 7, 2024. All efforts will be made to bring the trial to an early conclusion.
3. While we are conscious of the importance of a citizen's fundamental right to personal liberty and speedy trial, the same has to be weighed and

balanced against other factors. In the present case, the materials disclose prima facie involvement of the petitioner in the alleged crime.

4. In view of the aforesaid, we are not inclined to grant bail to the petitioner.
5. The prayer for bail is, accordingly, rejected.
6. CRM (NDPS) 1231 of 2024 is dismissed.
7. We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and positively within six months from the next date fixed for recording of evidence.
8. 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.
9. The parties shall communicate this order to the learned Trial Court.
10. 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.)

