

CRM (NDPS) 1301 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bauria Police Station** Case No. **176 of 2021** dated **16.10.2021** under Section **20(b)** of NDPS Act.

- A n d -

In the matter of : Sourav Mahapatra

.... Petitioner.

Mr. Toslim Ali,

... For the Petitioner.

Mr. Soumik Ganguly,

Mr. S. Takuldar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected on October 20, 2022.
2. The petitioner says that he is in custody for two years and ten months. Five out of nine witnesses have been examined. He should be enlarged on bail on the ground of delay in conclusion of trial.
3. While opposing the prayer for bail, learned Advocate for the State says that 25 kgs of ganja was recovered from the joint possession of this petitioner and two other accused persons. There are sufficient incriminating materials against the accused persons. A time period may be indicated within which the trial may be concluded.
4. In view of commercial quantity of ganja being involved, we are not inclined to enlarge the petitioner on bail.
5. CRM (NDPS) 1301 of 2024 is, thus, dismissed.

6. However, the personal liberty and right to speedy trial of a citizen as contemplated by Article 21 of the Constitution of India cannot be lost sight of. The petitioner has been in custody for quite a long period of time.

7. Accordingly, we direct the learned Trial Court to conclude the trial by delivering judgment within three months from the next date fixed for recording of evidence.

8. We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be entitled to renew his prayer for bail.

9. 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.)