

26.09.2024
Item no. 26.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1388 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 Coke Oven P.S. Case No.147 of 2023 Dated 16.09.2023 under Section 21C/29 of the NDPS Act

And

In the matter of : Habibul Sekh @ Montu

.....Petitioner.

Mr. Soumya Nag,
Mr. Aditya Tiwari for the Petitioner.

Mr. P. K. Dutta,
Mr. A. S. Chatterjee for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated September 17, 2024.
2. The State has filed a report as regards the health condition of the petitioner. The report is basically to the effect that although the petitioner suffers from chronic ailments like hypertension and diabetes, those parameters are under control by medication. He is now physically stable for attending Court.
3. Let the report be kept with the records.
4. Learned Advocate for the petitioner says that the petitioner is in custody for more than a year. There are 11 witnesses named in the charge sheet. The trial has

not yet begun. On the ground of delay, the petitioner should be granted bail.

5. Learned State Counsel says that charge has already been framed. September 11, 2024, was the date fixed for recording of evidence.
6. In view of commercial quantity of contraband being involved, keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail, at this stage.
7. The prayer for bail stands rejected.
8. CRM (NDPS) 1388 of 2024 is dismissed.
9. However, since the petitioner is in custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within a year from the next date fixed for recording of evidence.
10. 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.
11. The parties shall communicate this order to the learned Trial Court.
12. 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.)

