

56. 17.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1416 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Biswajit Gownia @ Babu Gownia** ...petitioner.
Ms. Jeenia Rudra ...for the petitioner.
Mr. S.S. Imam
Mr. Arani Bhattacharyya ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about four years and six months. He prays for bail on the ground of inordinate delay in the trial.
2. Learned State Advocate tells us that recording of evidence is complete and examination of witnesses under Section 313 of the Code of Criminal Procedure, 1973, is also over. December 11, 2024, has been fixed by the learned Trial Court as the next date for argument.
3. Four years and six months is far too long a period of time to keep an under-trial in custody. However, since the trial is on the verge of conclusion and *prima facie* there appears to be incriminating evidence against the petitioner from whom 54 Kgs. of *ganja* was allegedly recovered, we are not inclined to allow the petitioner's prayer for bail, at this stage.
4. Hence, the prayer for bail is rejected.

5. The application being CRM (NDPS) 1416 of 2024 is accordingly dismissed.
6. However, we direct the learned Trial Court to pre-pone the date of argument and conclude the trial by delivery of judgment positively by the end of November, 2024.
7. The learned Registrar General of this Court is requested to immediately communicate this order to the learned Trial Court. The parties shall also be at liberty to communicate this order to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)