

61.
Court
No.28

17.09.2024
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1422 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: - **Sk. Amir Ali @ Amir Ali**
...petitioner.
Mr. Ayan Basu
Mr. Sk. Salim
Mr. Sumit Routh
...for the petitioner.
Ms. Amita Gaur
Mr. Manoranjan Mahata
...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that in spite of direction of this Court the trial of the case has not yet been completed. During the stipulated one year, only one witness has been examined. As the petitioner is in custody for about two years and four months, he prays for bail of the petitioner on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail and submits that there were three occasions when defence took time. Serious efforts will be made to complete the trial as early as possible.
3. We have gone through the materials on record. It appears that there are sufficient incriminating materials in the case diary showing that more than 270 Grams of heroin has been recovered from the joint possession of the two accused

persons including the present petitioner. We also find that on several occasions defence took adjournment when witnesses were present before the learned Trial Court.

4. In view of the above, we are not inclined to allow the petitioner's prayer for bail. Hence, the prayer for bail is rejected.
5. The application being CRM (NDPS) 1422 of 2024 is accordingly dismissed.
6. However, since the petitioner is in custody for a considerably long period of time, we direct the learned Trial Court to complete the trial within six months from the next date fixed for recording of evidence without granting any unnecessary adjournment to either of the parties.
7. This order shall be immediately communicated by both the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)