

18.10.2024
Sl. No.16
akd/AP

C. R. M. (NDPS) 1688 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.10.2024 in connection with Basirhat Police Station Case No.269 of 2023 dated 30.04.2023 under Section 21(c) of the NDPS Act.

And

In Re: **Loknath Chowdhury @ Sona**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Antarikhya Basu
Mr. Ronit Mukherjee

... .. for the State

1. This is the third application for bail made by the petitioner. The first application being CRM (NDPS) 1769 of 2023 was dismissed on 18.12.2023. The second application being CRM (NDPS) 981 of 2024 was dismissed on 25.06.2024. The learned coordinate Bench while dismissing the second bail application made by the petitioner had however, directed for expeditious trial and was also pleased to observe that the trial should preferably be concluded within a period of one year from the next date fixed for recording of evidence after 25.06.2024.

2. After hearing the parties and considering the materials on record we do not find any substantial change in situation from the last rejection that took place on 25.06.2024 and till the filing of the instant bail application.

3. The petitioner alleges that though direction for expeditious trial was given but several adjournments subsequent thereto has been obtained by the prosecution. The delay in the trial is delay in a judicial adjudication for which the petitioner says that his right guaranteed under

Article 21 of the Constitution of India has been infringed by the prosecution.

4. The incident took place on 30.04.2023 pursuant to which the petitioner was arrested and is still in custody. Within a period of one year few months the charges have been framed and witness action has started. Four out of ten witnesses have already been examined. Considering these facts it cannot be said that there has been an inordinate delay in conducting the trial as a consequence whereof the petitioner being in custody can pray for bail on the ground of violation of the provision of Article 21 of the Constitution of India. The merits of the petitioner's case has been considered in the two earlier bail applications. In this bail application, the prayer is not based on merits of the case but only on violation of the provisions of Article 21 of the Constitution of India.

5. In the aforesaid facts and circumstances, we are not inclined to grant bail to the petitioner.

6. CRM (NDPS) 1688 of 2024 is accordingly, dismissed.

7. All parties are directed to act on the server copy of this order duly downloaded from the official website of this court.

(Supratim Bhattacharya, J.)

(Arindam Mukherjee, J.)