

October 22, 2024

1 ARDR/SD

Rejected

CRM (NDPS) 1694 of 2024

In Re : An Application under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Titagarh** Police Station Case No. 714 of 2022 dated 02/12/2022 under Sections 21(c) of the NDPS Act.

And

In Re : Birupam Sarkar @ Bhona

... Petitioner.

Mr. Debasis Kar,

... For the Petitioner.

Mr. Debasis Roy, Ld. PP,

Mr. Anowar Hossain,

Ms. Puspita Saha,

... For the State.

This is an application under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of Titagarh Police Station Case No. 714 of 2022 dated 02/12/2022 under Sections 21(c) of the NDPS Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody for about twelve months. Charge sheet had been submitted long ago. But the trial has not yet been concluded. In fact, only two witnesses have been examined till date out of total nine witnesses.

Learned Public Prosecutor relies on the case diary and opposes the prayer for bail. He submits that this is the third bail application filed by the petitioner. The last rejection was on 18/10/2024. After a direction was passed to expedite the matter, two witnesses have already been examined. The prosecution will take not more than six months from the next date of hearing i.e. on 12th December, 2024 to complete examination of witnesses.

Considering the seriousness of the allegations and in view of the submission made on behalf of the State that the prosecution would not take more than six months to conclude the examination of the witnesses and the bar contained in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage. However, after completion of six months from the next date i.e. 12th December, 2024, the petitioner shall be at liberty to renew the prayer for bail if examination of witnesses by the prosecution is not concluded.

With these directions, the application is disposed of.

Criminal section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)