

16.01.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 2036 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with NCB Crime No.06/NCB/KOL/2022 dated 06.02.2022 under Sections 8(c)/21(c)/20(b)(ii)(B)/25/28/29/54 of the NDPS Act. (NDPS Case No.N-19 of 2022)

And

In Re: ***Krishnapada Paul***

... .. Petitioner

Mr. Arindam Jana
Ms. Arunima Das Sharma

... .. for the petitioner

Mr. Sourav Chatterjee
Mr. Arunava Ganguly

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about two years. It is further submitted there is delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits delay in the matter was contributed by adjournment sought for on behalf of the defence.
3. We have considered the materials on record. Narcotics above commercial quantity was recovered from the petitioner. His bail prayer had been rejected earlier on merits. Presently, he has prayed for bail on the ground of delay in trial. We note consideration of charge was postponed on the prayer of the petitioner. Thereafter prosecution failed to bring witness on one day. Under such circumstances, we are of the opinion it cannot be said that delay is solely attributable to the prosecution. Hence, we are not inclined to grant bail to the petitioner at this stage on the ground of delay in trial.
4. The application for bail is thus rejected.

5. Trial court is directed to conduct the trial with utmost expedition by fixing schedules at short intervals and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)