

22.03.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 01 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.12.2023 in connection with NCB Crime No.14/NCB/KOL/2023 dated 11.04.2023 under Sections 8(c)/21(c)/22(c)/29 of the NDPS Act. (NDPS Case No.14 of 2023)

And

In Re: **Abdur Rahman @ Sajid**

... .. Petitioner

Mr. Mazahar Hossain Chowdhury

... .. for the petitioner

Mr. Arun Kumar Maiti

Mr. Anirban Mitra

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for a protracted period of time. Accordingly, he prays for bail.
2. Learned Advocate for the NCB submits in course of the last schedule fixed between 01.03.2024 till 19.03.2024 one witness has been examined in full. Chemical examiner has been examined in chief. Defence is protracting the matter by subjecting the chemical examiner to lengthy cross-examination running over two days.
3. We have considered the materials on record. Exchanges between the accused on social media platform i.e. Whatsapp show involvement of the petitioner in the conspiracy to deal in narcotics. He has approached the court for bail on the ground of delay in trial. To test the bonafides of the prosecution, we adjourned the hearing of the application as the schedule for examination of witnesses was fixed in the first week of March, 2024. Prosecution has produced its witnesses and one witness has been examined as PW 1.
4. We note defence is prolonging the case by resorting to prolix cross-examination of the chemical examiner (PW 2) whose report is

admissible under Section 293 of the Code of Criminal Procedure.

Conduct of the defence in resorting to dilatory and prolix cross-examination discloses a tendency to protract the matter and thereby procure bail.

5. We do not appreciate this conduct.
6. Accordingly, we are not inclined to grant bail to the petitioner at this stage.
7. The application for bail is thus rejected.
8. Trial court is directed to conduct the trial with utmost expedition and ensure that examination and cross-examination of a witness is concluded on the same day.
9. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)