

21.02.2025
Item no. 28.
Court No.29.
AB
(Rejected)

CRM (NDPS) 90 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Golabari P.S. Case No.6 of 2022 Dated 6.1.2022 under Sections 27A/28 29/30/21(C) of the NDPS Act

And

In the matter of : Sk. Rashid @ Rasu Bhai

.....Petitioner.

Md. Wasim Akramfor the Petitioner.

Mr. Joydeep Roy
Ms. Arefeen Begumfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than three years and one month. There is no possibility of an early conclusion of the trial. He prays for bail.

2. Learned Advocate for the State draws our attention to an order dated July 3, 2024, passed on an application of a co-accused person, by the name of Ameer Hasan @ Ameer Hassan @ Md. Ameer Hasan, registered as CRM (NDPS) 977 of 2024, whereby, while rejecting the bail prayer, we had directed learned Trial Court to expedite the trial to the fullest and conclude the same as early as possible but positively within one year from the next date fixed for recording of evidence.

3. Learned Advocate for the State says that sufficient time is still left for the prosecution to conclude the trial within the time period indicated in the aforesaid order. Although there are 35 charge sheet named witnesses, the prosecution intends to examine only 13 witnesses. 7 witnesses have already been examined. P.W.8 is in the process of being examined. The trial is likely to conclude within the time period indicated in the order dated July 3, 2024, referred to above.

4. We have considered the rival contentions of the parties. Commercial quantity of narcotics was seized from the joint possession of the accused persons. Therefore, keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the prayer of the petitioner.

5. We also note that on February 18, 2025, by an order passed in CRM (NDPS) 91 of 2025, we had rejected the bail prayer of a co-accused person on the ground that the time for conclusion of the trial is available till July, 2025.

6. In view of the aforesaid, the prayer for bail stands rejected.

7. CRM (NDPS) 90 of 2025 is dismissed.

8. However, since the petitioner is in custody for a long period of time, we direct the learned Trial Court to expedite the trial and conclude the same within the time period indicated in the order dated July 3, 2024. In the event the trial does not conclude within that time period, the petitioner will be at liberty to renew his prayer for bail.

9. Learned State Advocate further tells us that February 24 and 27, 2025, have been fixed as the next dates for examination of witnesses. We direct the learned Charge Court (as we are told that the regular Presiding Officer is on leave) to ensure that those dates are not wasted and witnesses are examined on those dates.

10. Parties to communicate this order to the learned Trial Court.

11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)