

91. 26.02.2025
Court
No.29 (Pritam)
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 203 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Maidan** Police Station Case No.**76/2022** dated **12.08.2022** under Sections **21(b)(ii)(c)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Ismail Sekh.**

...petitioner.

Mr. Hamidur Rahaman

...for the petitioner.

Mr. Saryati Dutta,
Mr. Prakash Mishra

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Petitioner has submitted that the prosecution has failed to comply with the directions of this Court as per our order dated September 4, 2024 and there is no chance of an early conclusion of the trial. He is in custody for 2 (two) years and 6 (six) months and as such, he may be enlarged on bail on any condition.
2. Learned counsel for the State opposes the prayer for bail. According to him, the defence was responsible for the delay. In fact, on two occasions, the State witnesses were present but the defence took time and as a result of which the evidence of the State witness could not be taken up.
3. We have considered the materials on record. It is true that on two occasions, witnesses were present. However, it has also

revealed from the order-sheets that when the witnesses were present on two consecutive dates, the defence was not prepared to proceed with the case. This is a serious lacunae on the part of the defence to proceed with the case, particularly when the witness is present. We, therefore, find that the defence is responsible to some extent to proceed with the examination of the witnesses. Therefore, we cannot hold the prosecution responsible entirely for the delay caused for not proceeding with the examination of the witnesses. In view of the same, we are not inclined to allow the petitioner's prayer for bail, at this stage.

4. However, the learned trial court is directed to expedite the trial and conclude the same as soon as possible, without granting any unnecessary adjournment to either of the parties. All parties are directed to cooperate with the learned trial court in proceeding with the case.
1. The prayer for bail is, thus, **rejected**.
2. CRM (NDPS) 203 of 2025 is disposed of.
3. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
4. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)