

21.
05-02-2025
(ct. no.29)
(rejected)
debajyoti

CRM (NDPS) 1717 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Katwa Police Station Case No.441 of 2022 dated 16-07-2022 under Sections 18(b)/21(c)/30 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Angur Ali Sk.

.... Petitioner.

Mr. Kunal Ganguly

... For the Petitioner.

Mr. Rudradipta Nandy, learned APP,
Mrs. Shaila Afrin

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for about 2 years 6 months. The prosecution has failed to conclude the examination of all the witnesses as directed by this Court. The other two accused persons, who are similarly circumstanced with the present petitioner, have been granted bail. There is no chance of an early conclusion of the trial. The petitioner may be enlarged on bail on any condition.

2. Learned Additional Public Prosecutor opposes the prayer for bail on the ground that the defence is responsible for causing the delay. One of the two accused persons, who are on bail, is not appearing before the learned trial Court and for that, Warrant of Arrest was issued. The prosecution is adducing its last witness. The defence has taken time to

cross-examine the Investigating Officer of this case. The prosecution will conclude the trial within a very short span of time.

3. We have considered the material on record. There are sufficient incriminating materials against the present petitioner. It is found from the last order sheets that the defence is responsible for the delay in trial. It is expected that the trial will conclude within a very short span of time. Further, the record says that one of the accused, who were granted bail, is absconding.

4. Considering all aspects of the matter, we find that the defence is responsible for the delay in trial and in view of the fact that huge quantity of opium and other contraband items were seized from the accused persons including the present petitioner, attracting the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the prayer of the petitioner for bail, at this stage. However, it is expected that the learned trial Court would proceed with the trial after splitting up the case in accordance with law.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

6. 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.)