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21-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (NDPS) 1892 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Nawab Ali. Petitioner.

Mr. Debasis Kar,
Ms. Jagori Mitra, ... For the Petitioner.

Mr. Avishek Sinha,
Mr. Debanik Das, ... For the State.

Order dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner says that the petitioner is in custody for 2 years and 1 month. There is no chance of an early conclusion of the trial since witness action has not yet begun. There is no need for further custodial detention of the present petitioner 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 trial of the case could not be proceeded with since on four occasions the defence took time and as a result of which the witnesses have been released after not being examined before the learned Trial Court. There is no ground that the prosecution is responsible for the delay.
3. We have considered the material-on-record and we find that there are sufficient incriminating materials against the present petitioner and there are criminal antecedents of the present petitioner. The delay caused cannot be attributed to the prosecution solely. The defence is also responsible for causing

the delay. As huge quantity of codeine mixture has been recovered from the possession of the present petitioner, we are not inclined to allow the prayer for bail of the petitioner, at this stage.

4. CRM (NDPS) 1892 of 2024 is dismissed.
5. However, considering the period of detention of the petitioner, we direct the learned Trial Court to make all possible efforts to expedite the trial and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and if necessary by fixing frequent schedules.
6. Let this order be communicated by the parties to the learned Trial court.
7. 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.)