

43. 10.02.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1974 of 2024

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 Gopalnagar P.S. Case No.531/2023 dated 22.8.2023.

And

In the matter of: - SHANKAR PANDEY

...petitioner.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

...for the petitioner.

Mr. Iqbal Kabir
Ms. Srilekha Chatterjee

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. From the report we find that there are 11 witnesses named in the charge-sheet and four witnesses named in the supplementary charge-sheet. The prosecution proposes to examine all 15 witnesses. On the last date fixed, witnesses could not be examined because of illness of learned Public Prosecutor. Next dates fixed are February 20 and 21, 2025.
3. The petitioner says that he is in custody for one year and six months. He complains of inordinate delay in trial. He renews his prayer for bail which was last rejected on merits on August 19, 2024, in CRM (NDPS) 1112 of 2024.

4. We find that about 48 Kgs. of *ganja* was seized from the house of the petitioner. The co-accused person being the petitioner's father, fled from the spot and is still absconding. Some time was taken by the learned Trial Court for splitting up the trial following due process of law. Hence there has been some delay in progress of the trial.
5. In view of such huge quantity of *ganja*, which is a contraband item, being involved and keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
6. The application being CRM (NDPS) 1974 of 2024 is accordingly dismissed.
7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same on an early date without granting unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules of 3/4 days for examination of witnesses.
8. We clarify that if, in spite of this order, the trial is not concluded within a reasonable period of time, the petitioner may renew his prayer for bail.
9. Parties to communicate this order to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)