

28.01.2025
Item no. 52.
Court No.29.
AB
(Rejected)

CRM (NDPS) 1971 of 2024

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 Alipore P.S. Case No.86 of 2022 Dated 24.07.2022 under Sections 20(b)(ii) (C)/29 of the NDPS Act

And

In the matter of : Nurul Hasan Halder Petitioner.

Ms. Reshmi Khatun,
Mr. Abhinaba Mukherjee.....for the Petitioner.

Mr. Ranadeb Sengupta
Mr. Sharequl Haque for the State.

Dictated by Arijit Banerjee , J.

1. The petitioner renews his prayer for bail which was rejected twice earlier, first on September 19, 2023 and then on April 12, 2024. On the second occasion, while rejecting his prayer, by an order dated April 12, 2024, passed in CRM (NDPS) 553 of 2024, a Coordinate Bench recorded the assurance meted out by the prosecution that trial shall be concluded within seven months from the next date fixed for recording of evidence subject to cooperation by the defence and systemic reasons. Recording such assurance and directing the Trial Court to expedite the trial in the light of the assurance given by the prosecution, the Coordinate Bench dismissed the bail application of the petitioner.

2. The petitioner says that he was arrested on July 24, 2022. He is in custody for about two years and six months. There has not been sufficient progress in the trial. On the touchstone of Article 21 of the Constitution of India, he prays for bail.
3. Opposing the prayer for bail, learned State Advocate tells us that more than 100 kilograms of ganja was seized from the accused persons including the petitioner. There is sufficient incriminating material against the petitioner. The delay, if any, in the trial is not attributable to the prosecution. The delay was due to systemic reason and also because one of the accused persons had to be produced before another Court in connection with another offence.
4. Learned State Advocate, with reference to the status report filed in Court today, tells us that the prosecution will examine five more witnesses apart from the two witnesses already examined. The prosecution expects the trial to conclude within the next seven months.
5. In view of the huge quantity of narcotics involved, we are not inclined to grant bail to the petitioner, at this stage.
6. The prayer for bail is rejected.
7. CRM (NDPS) 1971 of 2024 is dismissed.
8. However, in view of the period of detention of the petitioner, we direct the learned Trial Court to expedite

the trial to the fullest extent possible and conclude the same as soon as possible and not necessarily take seven months, without granting unnecessary adjournments to either of the parties and, if necessary, by fixing frequent schedules for examination of witnesses.

9. The parties shall communicate this order to the learned Trial Court.
10. 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.)