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28-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (NDPS) 1965 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 : Salam Sk. @ Salam Sekh @ Lalu Sk.
.... Petitioner.

Mr. Sourav Mukherjee,
Ms. Poulami Bose, ... For the Petitioner.

Mr. Saryati Dutta,
Ms. Sreetama Das, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected by a co-ordinate Bench on February 6, 2024, in CRM (NDPS) 231 of 2024. The petitioner says that while rejecting his prayer, the co-ordinate Bench had directed the Trial Court to conduct the trial by fixing schedules at short intervals and conclude the trial on an early date, preferably within 1 year from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties. Learned advocate says that in spite of such direction, only 9 out of 19 chargesheet named witnesses have been examined till date. There is no possibility of the trial concluding within the time period indicated by the co-ordinate Bench. The petitioner is in custody for 2 years and 7 months. Therefore, he should be enlarged on bail.
2. Learned State advocate tells us that the prosecution intends to examine only 9 witnesses out of the 19 chargesheet named witnesses. 8 witnesses have already been examined. February 20, 2025 has been fixed as the date for examination of the

Investigating Officer who is the last witness. Therefore, the trial is likely to conclude definitely by the end of March 2025.

3. Learned State advocate also draws our attention to an order dated July 11, 2024, passed in CRM (NDPS) 1066 of 2024 by this Bench. While rejecting a co-accused person's prayer for bail, we had directed the learned Trial Court to conclude the trial within February/March 2025.
4. We, therefore, see that the trial is on the verge of conclusion. About 10 thousand bottles of phensedyl syrup containing codeine phosphate was allegedly recovered from the accused persons including this petitioner. Therefore, we are not inclined to entertain the petitioner's prayer for bail.
5. CRM (NDPS) 1965 of 2024 is dismissed.
6. However, considering the period of detention of the petitioner, we direct the learned Trial Court to conclude the trial as soon as possible.
7. Let this order be communicated by the parties to the learned Trial court.
8. 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.)