

30.05.2024
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sl no. 32

C.R.M. (NDPS) 887 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NCB Crime no. 08/NCB/KOL/2021 dated under sections 21(c)/22(a)/29 of the NDPS Act

and

In Re : Ajgar Dalal

..... petitioner

Mr. Angsuman Chakraborty

Mr. S S Saha

..... for the petitioner

Mr. Anjan Sengupta

Mr. Tapan Bhanja

..... for the NCB

1. Learned advocate for the petitioner submits that the petitioner is in custody for three years and four months and out of six witnesses so cited by the prosecution, three witnesses have been examined and another three witnesses are yet to be examined. Accordingly, learned advocate for the petitioner prays for bail on any stringent condition.

2. Learned advocate for the Narcotics Control Bureau submits that the prosecution has been trying their best to conclude the trial within the period so fixed by the Division Bench in CRM (NDPS) 1651 of 2023, we find that the said order of the Division bench was passed on 10th October 2023 and since then seven months have already been passed.

3. Having considered the prayer so advanced by the Narcotics Control Bureau as well as the by the petitioner in the peculiar circumstances of the present case, we direct that the Narcotics Control Bureau /prosecution agency shall conclude the prosecution evidence within a period of three months from date.

4. Learned trial court is directed to fix the schedule consisting of three dates and fix such schedule once in every month. Trial of the case would continue in spite of any resolution of the local bar and representing advocates will not deter the progress of the trial in case any witness for the prosecution is present.

5. We direct that in spite of compliance of the aforesaid conditions if the prosecution witnesses are not completed within a period of three months from date, on an application for bail being preferred by the present petitioner, learned trial court will be at liberty to release the petitioner on bail on such terms and conditions as it deems fit and proper.

6. With the aforesaid observations, CRM (NDPS) 887 of 2024 is disposed of.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this court.

(Biswaroop Chowdhury, J.)

(Tirthankar Ghosh, J.)