

30.05.2024
pg/tkm/ct 8
sl no. 34

C.R.M. (NDPS) 890 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Titagarh PS Case no. 38 of 2022 dated 15.1.2022 under sections 21(c) of the NDPS Act

and

In Re : Abhijit Deb @ Aryan petitioner

Mr. D Kar

Mr. Arka Tilak Bhadra

..... for the petitioner

Ms. Amita Gaur

Ms. Sudeshna Das

..... for the State

1. Learned advocate for the petitioner submits that the petitioner is in custody since 15th January 2022 and there was seizure from the possession of the present petitioner. However, according to the learned advocate, more than 29 months have passed and only five witnesses out of nine witnesses have been examined.

2. Learned advocate for the State opposes the prayer for bail and draws attention of this court to the order passed on 24th November 2023.

3. We have considered the totality of the circumstances including the period of detention of the present petitioner. It has been pointed out that the next schedule before the learned special court has been fixed on 26th June 2024.

4. We direct that the learned trial court to fix the schedule consisting of three dates and fix such schedule once in every month. Prosecution witnesses should be completed within a period of three months from 26th June 2024. 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) 890 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.)