

09.07.2021
Court No.5
SL No.15
AP/ss

CRM 2262 of 2021
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia P.S. Case No.159 of 2019 dated 09.09.2019 under Sections 188/353/34 of the Indian Penal Code and Section 21(c) of the NDPS Act.

And

In the matter of: **Motibul Mondal @ Matibul Mondal @ Moti**
....Petitioner.

Mr. Jisan Iqubal Hossain
...for the Petitioner.

Ms. Baisali Basu
...for the State.

The petitioner is one of the nine accused persons in Hogalberia P.S. Case No.159 of 2019 dated 09.09.2019 under Sections 188/353/34 of the Indian Penal Code and Section 21(c) of the NDPS Act. He says that he has been in custody for more than one year. He prays for bail. He says that there was no recovery of contraband from him and he was arrested on the basis of statement made by a co-accused.

Learned counsel for the State produces the case diary which we have perused. We have seen the search/seizure list. 50 bottles of phensedyl, each of 100 ml, were seized by the police. We are told that when movement of this contraband was going on, the police intercepted upon information and the persons involved fled. The co-accused was arrested subsequently and on the basis of his statement the present petitioner was arrested.

We are of the view that complicity of the petitioner in the commission of the crime cannot be ruled out at this stage. We direct the Trial Court to expedite the framing of charges and if the petitioner is not discharged, then the trial should be concluded as early as possible and preferably within a period of one year from the date of framing of charges.

CRM 2262 of 2021 is accordingly disposed of.

[Arijit Banerjee, J.]

[Arindam Mukherjee, J.]