

CRM 2367 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dankuni Police Station** Case No. **86 of 2017** dated **22.02.2017** under Sections **21(C)/25/29** of the NDPS Act.

- A n d -

In the matter of : Sariful Islam Mondal @ Saiful @ Charu @ Saiful Islam Mondal

.... Petitioner.

Mr. K. Mondal,

... For the Petitioner.

Mr. Sanjay Bardhan,
Mr. N. Dhali,
Mr. P. Majhi,

... For the State.

The petitioner is one of several accused persons. The charges are under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner says that there was no recovery from him. His name did not appear in the first charge sheet. Two years after filing of the charge sheet his name transpired from statements made by other persons. He is absolutely no connection with the alleged offence.

We have perused the material in the case diary including the statements of several witnesses recorded under Section 164 of the Code of Criminal Procedure. Many of them clearly stated that the concerned vehicle from which the commercial quantity of contraband was seized was usually in the custody of the petitioner. The erstwhile owner of the vehicle had transferred the vehicle to the petitioner prior to occurrence of the alleged incident, by sale or by executing power of attorney. In other words, *prima facie*, the petitioner was in control of the vehicle in question.

We are told that October 1, 2021 has been fixed as the date for framing of charges. In view of the *prima facie* incriminating material against the petitioner, although he may not be the registered owner of the vehicle in question, we are not inclined to enlarge him on bail at this stage.

Accordingly, the application for bail being CRM 2367 of 2021 is dismissed.

However, since the petitioner has been in custody for about 720 days, we request the learned Trial Court to expedite the consideration of charges and generally bring the trial to an early conclusion as soon as the business of the court may permit.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)