

17.10.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1675 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with NDPS Case No.89 of 2021 arising out of Watgunje Excise Circle SI's SL No.69 of 2021 dated 30.11.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Joychandra Mahanto @ Joychandra Mahato***

... .. Petitioner

Mr. Ayan Bhattacharjee
Mr. Subhajit Manna
Mr. Suman Majumder

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over a year. It is further submitted petitioner was engaged as a helper and was unaware of the contraband which was carried in the bus. There is no progress in the matter since rejection of bail by this court in October, 2022. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits recovery was made when the bus was proceeding towards the garage and all the passengers had disembarked. Delay in the matter was due to abscondence of co-accused. Date has been fixed for consideration of charge.
3. We have considered the materials on record. Petitioner was engaged as a helper in the bus. Recovery was made when the bus was proceeding towards the garage and all the passengers had disembarked. Under such circumstances, conscious possession of the petitioner and other co-accused in the bus has been prima facie established. Delay in the matter is due to various systemic reasons

and conduct of co-accused who had absconded after being enlarged on bail. Possibility of abscondence of the petitioner who is a resident of a different State, if released on bail, cannot be ruled out. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial as expeditiously as possible and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)