

08.11.2023
AD 10.
Court no. 8
Sd/br

***In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side***

CRM (NDPS) 1808 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Jagaddal Police Station Case No. 345 of 2022 dated 29.05.2022 under Sections 21(c) of the NDPS Act, 1985.

In the matter of : Munil Rajak @ Munilalpetitioner.

Mr. Debasis Kar

...for the petitioner.

Mr. Prasun Kumar Datta, ld. APP

Mr. Md. Kutubuddin

.....for the State.

1. Learned counsel for the petitioner submits that the petitioner was intercepted with 2.3 kg of codeine mixture and is in custody for about one year and six months.
2. The accused had moved a bail application before a co-ordinate Bench of this court, which was rejected. Challenging such rejection, the accused went before the Hon'ble Supreme Court of India.
3. The challenge by the accused, however, was turned down, granting liberty to the petitioner to file a fresh application of bail in case of change of circumstances or if the trial gets prolonged due to reasons not attributable to the petitioner.

4. After hearing the parties and considering the materials on record, we do not find any changes in situation from 5th July, 2023 when the order of the Hon'ble Supreme Court was passed. However, the learned advocate for the petitioner says that after 5th July, 2023, two dates were fixed for the trial, but it got adjourned at the instance of the prosecution. Thus, the second limb of the order of the Hon'ble Supreme Court that "if the trial gets prolonged due to reasons not attributable to the petitioner is attracted and as such, the petitioner should be granted bail". Only three months have elapsed in between and the court has proceeded for the annual vacation. It cannot, therefore, be said at this stage that the trial has got prolonged due to reasons not attributable to the petitioner.
5. The next dates have been respectively fixed on 6th December, 2023 and 7th December, 2023.
6. In the facts and circumstances as aforesaid, the application for bail being CRM(NDPS) 1808 of 2023 is rejected.

(Biswaroop Chowdhury, J.)

(Arindam Mukherjee, J.)