

14.06.2024
Item no.43.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 563 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Multan Ali.

.....Petitioner.

Mr. Partha Chakraborty,
.....for the Petitioner.

Mr. Rana Mukherjee, Ld. APP
Mr. Subham Kanti Bhakat,
...for the State.

Commercial quantity of contraband items was recovered from the accused persons, the petitioner being one of them. The petitioner's prayer for bail was earlier rejected by a Co-ordinate Bench by an order dated June 21, 2023 passed in CRM (NDPS) 1168 of 2023.

The petitioner says that only two out of twelve witnesses have been examined, one of them in full and one of them in part. He is in custody for one year and six months. Nobody can say when the trial will conclude. He should be released on bail.

Learned APP appearing for the State that the FSL report was received on December 26, 2023. Thereafter supplementary chargesheet has been filed. The FSL report shows presence of contraband items in the sample. Time period may be fixed within which the trial shall be concluded.

Commercial quantity of Phensedyl being involved, we are not inclined to grant bail to the petitioner at this stage, considering the restriction under Section 37 of the NDPS Act.

CRM (NDPS) 563 of 2024 is dismissed.

However, since the petitioner is in custody for quite some time, the learned Trial Court shall conclude the trial within a year from the next date fixed for recording of evidence, without granting unnecessary adjournment to either of the parties. We clarify that if the trial is not completed within the time period indicated above, the petitioner will be at liberty to renew his prayer for the bail.

Let this order be communicated by the parties to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)