

CRM (NDPS) 802 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jalangi Police Station** Case No. **30 of 2022** dated **24.01.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Nur Mahammad @ Nur Mahammad Mondal @ Jadu

.... Petitioner.

Mr. Tapodip Gupta,

... For the Petitioner.

Mr. Atif Ahmed Siddiqui,

... For the State.

A report has been filed on behalf of the State. Let the same be kept with the record.

From the report we find that 10 out of 16 witnesses have been examined. Therefore, subsequent to the Hon'ble Apex Court's order dated April 26, 2024, there has been substantial progress in the trial.

The petitioners say that they are in custody for about two years and five months. They should be granted bail on the ground of delay in progress of the trial. On four earlier occasions their prayer for bail was rejected. The last rejection was on December 20, 2023. Paragraph 3 of that order is quoted below:-

"3. We have considered the materials on record. Petitioner appears to be a daring person. He was in custody in other cases. He smuggled mobile phones into jail and used to communicate with co-accused from jail and traffic in narcotics. Possibility of commission of similar offence if released on bail cannot be ruled out. There are ample materials connecting the petitioner with the trafficking in narcotics. He has criminal antecedents."

In view of the aforesaid, we are not inclined to enlarge the petitioners on bail immediately, although they are in custody for quite some time.

CRM (NDPS) 802 of 2024 is, thus, dismissed.

However, keeping a citizen's fundamental right to personal liberty in mind, we direct the learned Trial Court to bring the trial to its logical conclusion as soon as possible but definitely within a period of three months from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties.

We make it clear that if within the time period indicated herein trial is not concluded, the petitioners will be at liberty to renew their prayer for bail. Parties are directed to communicate this order 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.)