

48.
21-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 826 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Seizure Case No.S/C No.13/NDPS/CL/Phensedyl/BCPU/CCP/WB/2021-22 dated 27-11-2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

**In the matter of : Momin Mondal @ Momin Mondol @
Momin Mandal & Anr.**

.... Petitioners.

Mr. Soumyajit Das Mahapatra

... For the Petitioners.

Mr. Kaushik Dey,
Mr. Tapan Bhanja

... For the Opposite Parties.

The petitioners' prayer for bail was earlier rejected by a coordinate Bench by an order dated November 08, 2023 passed in CRM (NDPS) 1820 of 2023. Against that order of rejection, the petitioner filed a Special Leave Petition which was dismissed by the Hon'ble Supreme Court on March 14, 2024.

The petitioners say that they are in custody for two years and seven months. Out of seven witnesses, not even one has been examined till date. Charge was framed on August 14, 2023. They pray for bail on the ground of inordinate delay in completion of the trial.

Learned advocate for Union of India says that approximately 2500 bottles of Phensedyl Syrup were recovered from the possession of the petitioners. There is some delay in the progress of the trial. However, if the Court indicates a time period, utmost endeavour will be made to conclude the trial within such time period.

In view of the huge commercial quantity of contraband item involved, we are not inclined to grant bail to the petitioners, at this stage.

However, the importance of a citizen's fundamental right to personal liberty cannot be lost sight of. The petitioners are in custody for a very long period of time. The learned trial Court is directed to expedite the trial to the fullest extent possible and conclude the same within six months from the date of communication of this order by the parties to the learned trial Court.

We further make it clear that if the trial is not concluded within the time period indicated herein, the petitioners will be entitled to renew their prayer for bail.

The application for bail being CRM (NDPS) 826 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)