

25.06.2024
Item no. 29.
Court No.28.
AB
(Rejected)

CRM (NDPS) 828 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No.753 of 2021 dated 28.12.2021 under Sections 27 of the Drugs and Cosmetic Act and Section 21C/29 of the NDPS Act

And

In the matter of : Safikul Sk. @ Sekh

.....Petitioner.

Md. Wasim Akramfor the Petitioner.

Mr. Antarikhya Basu
Ms. Madhumita Basakfor the State.

By an order dated June 12, 2024, we had requested learned Advocate for the State to obtain instructions as regards the present status of the case.

Today a report has been filed. Let the same be kept with the records.

It appears that charge sheet has been filed under the provisions of the Drugs and Cosmetics Act and NDPS Act. The matter is pending before the Special Court. Learned Advocate for the State says that there is nothing on record to show that the matter has ever been sent back by the Special Court to the Court of the Chief Judicial Magistrate.

Learned Advocate for the petitioner says that the basic grievance of the petitioner is that his right to speedy trial is

being infringed. For ten months, he is in custody. Beyond filing of charge sheet, nothing has progressed.

In view of commercial quantity of contraband being involved and the statutory restriction in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (NDPS) 828 of 2024 is dismissed.

However, the petitioner cannot be detained indefinitely. He is already in custody for ten months. The Special Court under the NDPS Act (ADJ, 4th Court, Malda) is directed to take cognizance and proceed with the matter in accordance with law as expeditiously as possible so that the trial can come to an early conclusion.

The parties shall 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

