

147. 22.05.2024
Court
No.6 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 851 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **NDPS Case No. 57 of 2020** arising out of **Cossipore Police Station Case No. 172 of 2020** dated **01.10.2020** under Sections **21(c)/29/27A** of the NDPS Act, 1985.

And

In the matter of: - **D. Lungnipa & Anr.**

...petitioners.

Mr. Ritzu Ghoshal, Adv.,
Mr. Debarshi Brahma, Adv.

...for the petitioners.

Mr. Ashok Das, Adv.

...for the State.

It is submitted on behalf of the petitioners that they are in custody for more than two years. There is considerable delay in conclusion of the trial.

Our attention has been drawn to an order passed by a co-ordinate Bench of this Court dated April 5, 2023, wherein the Trial Court was requested to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

It is submitted by learned Counsel for the petitioners that despite that direction passed by this Court, trial has not yet concluded. Therefore, the bail prayer of the accused-petitioners on the ground of delay may be considered and allowed.

Learned Counsel for the State vehemently opposes the prayer for bail. It is submitted that the bail prayers of the co-accused persons have already been turned down by a co-ordinate Bench of this Court. Our attention has been drawn to the seizure list from which it appears that commercial quantity of contraband article was recovered from the possession of all the chargesheeted accused persons.

We have heard learned Counsel for the parties and perused the material placed before us at the time of hearing. We are conscious that there is huge pendency of cases in the NDPS Court which may not have permitted that Court to conclude the trial within the stipulated period of time as directed by a co-ordinate Bench of this Court.

In view of the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and also considering the fact that commercial quantity of contraband article was recovered from the possession of the accused/petitioners we are not inclined to enlarge the present accused/petitioners on bail and accordingly the prayer for bail is rejected.

The application for bail being CRM (NDPS) 851 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)