

12.06.2024
Item no. 59.
Court No.28.
AB
(Rejected)

CRM (NDPS) 860 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.4 of 2021 under Section 18(b)/25/28/29 of the NDPS Act

And

In the matter of : Ananda Dey & Anr.

.....Petitioners.

Mr. Saibal Kr. Mondal,
Mr. Arpayan Mukherjeefor the Petitioners.

Mr. Krishnendu Bhattacharya
Mr. Sagar Sahafor the NCB.

The petitioners are 2 out of several accused persons. The charges are under the NDPS Act. The prosecution case is that the present petitioners were carrying commercial quantity of contraband items to deliver the same to one Samiran Ghosh and Kabita Ghosh. They were apprehended when these two petitioners were at the doorstep of Kabita Ghosh's house.

The petitioners say that Kabita Ghosh has been granted bail by this Court and they stand on the same footing as her. This is disputed by learned Advocate appearing for the Narcotic Control Bureau.

We are told that 4 out of 7 witnesses have been examined. We are conscious that the petitioners may have been in custody for about three years and four months. However,

there is sufficient incriminating material against them on record and the trial can be concluded at an early date.

Report filed on behalf of NCB, be kept with the records.

In view of the aforesaid, we are not inclined to entertain the prayer of the petitioners. It does not appear from the record that the petitioners are similarly circumstanced as the co-accused who has been granted bail.

The prayer for bail is, accordingly, rejected, at this stage.

CRM (NDPS) 860 of 2024 is dismissed.

However, since the petitioners have been in custody for a substantial period of time, we request the learned Trial Court to conclude the trial at the earliest and in any event within a period of four months (excluding official vacations) from the date of communication of this order 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

