

CRM (NDPS) 872 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **96 of 2023** dated **28.01.2023** under Sections **21(c)/27(A)/29** of the NDPS Act.

- A n d -

In the matter of : Sitesh Mandal

.... Petitioner.

Mr. Kollol Kumar Basu,
Mr. Tanmoy Chowdhury,
Mr. Anindya Bhattachaya,
Mr. Krishan Roy,
Mr. Souvik Das,
Mr. A. Banerjee,

... For the Petitioner.

Mr. Anand Keshari,
Mrs. Srilekha Chattopadhyay,

... For the State.

The petitioner says that he has no connection with the alleged offence. Nothing was recovered from his possession. He was picked up by the police suddenly for the reason that he had not acceded to illegal demands made by the police. He was thereafter taken to somebody else's house from where commercial quantity of contraband items was seized. He is in jail custody for one year five months. There was no independent witness at the time of seizure. Four co-accused persons have been granted anticipatory bail. He prays for bail.

Learned Advocate for the State produces the case diary. From the seizure list we find that upon the petitioner pointing out the location, the contraband item was seized therefrom.

On an overall assessment of the gravity of the offence and the possible extent of complicity of the petitioner therein and keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to allow this application.

CRM (NDPS) 872 of 2024 is, thus, dismissed.

However, since the petitioner has been in custody for quite some time, we request the learned Trial Court to expedite the trial to the extent possible.

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.)