

CRM (NDPS) 870 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Behala Police Station** Case No. **152 of 2022** dated **08.06.2022** under Sections **20(b)(ii)(C)/29** of the NDPS Act.

- A n d -

In the matter of : Mainuddin Sekh @ Gara

.... Petitioner.

Md. Shamminuddin,
Ms. Renuka Shaw,

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Ankita Paul,

... For the State.

The petitioner says that he is in custody for about 1 year 8 months. There was no recovery of contraband items from him. Recovery was made from a motor car which is registered in his name. He had rented out the motor car as he does in his usual course of business. He had no idea that the person hiring the car would use the vehicle for transporting contraband items.

Learned Advocate for the State produces the case diary for our perusal. He submits that 102 kgs of ganja was recovered from the vehicle of which the petitioner is admittedly the owner. It is difficult to believe that the petitioner has no truck with the illegal transportation of contraband items. Since commercial quantity of ganja is involved, bail should not be granted.

We find that the trial has started. The second witness out of 12 witnesses is being examined. On an overall assessment of the facts and circumstances of the case and the material on record, we

are of the opinion that this is not a fit case where we should enlarge the petitioner on bail at this stage.

However, since the petitioner has been in custody for an appreciable length of time, we request the learned Trial Court to conclude the trial within a period of six months from the date of communication of this order, excluding the official vacations. If the trial is not concluded within the aforesaid time period, the petitioner may renew his prayer for bail.

CRM (NDPS) 870 of 2024 is, thus, disposed of.

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.)