

24.09.2024
Item no.03.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 904 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Biplob Banerjee @ Gadai.

.....Petitioner.

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Abhijit Mondal,
Mr. R. Chakraborty,for the Petitioner.

Mr. Arijit Gangully,
Ms. Sana Naaz,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains of delay in progress of trial.
He says that he is in custody for 2 years and 7 months. Only 6 out of 13 chargesheet named witnesses have been fully examined. The 7th witness has been examined in part. He prays for bail.
2. Opposing the prayer, learned State counsel says that 90 Kgs. of Ganja was seized from the accused persons including this petitioner. There is sufficient incriminating evidence against him. All efforts will be made to conclude the trial at an early date.
3. In view of huge quantity of Ganja being involved and keeping in mind the restriction in Section 37 of the

N.D.P.S. Act, we are not inclined to extend the privilege of bail to the petitioner.

4. CRM (NDPS) 904 of 2024 is dismissed.
5. However, the petitioner has been in custody for quite some time. We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible but definitely within six months from the next date fixed for recording of evidence.
6. We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be entitled to renew his prayer for bail.
7. Let this order be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)