

19.06.2024
Item no.11.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 915 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Samsul Alam & Anr.

.....Petitioners.

Mr. Sumanta Das,
.....for the Petitioner.
Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Gangully,
Mr. Kaushik Kundu,
...for the State.

The allegation is that approximately 107 Kgs. Of Ganja was recovered from the joint possession of the petitioners and other accused persons. The petitioners say that they are in custody for about one year and six months. The case has only been committed. No further progress has been made.

Learned advocate for the State opposes the prayer for bail. He says that the accused persons were absconding. That is why the trial has been delayed. There is sufficient incriminating material against the petitioners. The petitioner no.1 is the owner of the truck and the petitioner no.2 is the cleaner of the truck from which the contraband items ere seized.

Given that commercial quantity of contraband is involved and the restriction under Section 37 of the N.D.P.S. Act,

and also there being prima facie incriminating material against the petitioners, we are not inclined to allow the prayer for bail.

CRM (NDPS) 915 of 2024 is dismissed.

However, since the petitioners have been in custody for a appreciable period of time, we direct the learned Trial Court to spare no effort to expedite the trial and bring the same to its logical conclusion at the earliest but definitely within a period of eighteen months from the date of communication of this order to the learned Trial Court.

Let this order be communicated 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.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)