

25.06.2024
Item no.12.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 955 of 2024

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

And

In the matter of : Dilip Mondal.

.....Petitioner.

Mr. Jisan Iqubal Hossain,
.....for the Petitioner.
Ms. Subhasree Patel,
...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench by an order dated May 18, 2023 passed in CRM (NDPS) 1019 of 2023. The petitioner says that he is in custody for 1 year and 7 months. Out of 17 witnesses named in the chargesheet, not even 1 witness has been examined.

Learned advocate for the State says that charge was framed on October 20, 2023. Thereafter, one schedule for examination of witness was fixed. But no witness could be examined on the fixed dates. The next date for examination is August 16, 2024.

We find from the case diary that prima facie, there is incriminating material against the petitioner. Commercial quantity of Phensedyl Syrup was seized from a bus of which the petitioner was the driver. In view of the restriction in Section 37

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

CRM (NDPS) 955 of 2024 is dismissed.

However, since the petitioner has been in custody for an appreciable length of time, the learned trial Court is directed to expedite the trial to the utmost and conclude the same as soon as possible but definitely within 1 year from the next date fixed for recording of evidence.

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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)