

CRM (NDPS) 985 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. **861 of 2022** dated **10.08.2022** under Sections **21(C)/25/27A/29** of NDPS Act.

- A n d -

In the matter of : Mojahid Sk

.... Petitioner.

Mr. Arup Kr. Bhowmick,

... For the Petitioner.

Mr. Rudradipta Nandy,

Mr. I. Kabir,

Ms. Payel Ghosh,

... For the State.

Report filed by the State be kept with the records.

603 grams of heroin (much more than commercial quantity) was recovered from the possession of the petitioner. He says that he is in custody for almost one year and eleven months. Charge is yet to be framed.

We find from the report filed by the State today that a co-accused person is absconding. July 9, 2024 was fixed as the date for consideration of charge. Framing of charge could not be done because the learned Presiding Officer was not available. The next date for consideration of charge is August 21, 2024.

In view of huge quantity of contraband item being involved and in view of the prima facie incriminating material against the petitioner, in spite of the petitioner being in custody for a substantial period of time, keeping in mind the restrictions in

Section 37 of the NDPS Act, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

CRM (NDPS) 985 of 2024 is, thus, dismissed.

However, an under-trial cannot be kept in incarceration indefinitely. We are told that there are seven witnesses. We direct the learned Trial Court to ensure that the charge is considered on August 21, 2024 or on any date prior thereto if the Trial Court deems proper, and if charge is framed, then conclude the trial as soon as possible but positively within six months from the date of framing of charges.

In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)