

CRM (NDPS) 1013 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Alipore Police Station** Case No. **86 of 2022** dated **24.07.2022** under Section **20(b)/(ii)(c)/29/35** of the NDPS Act.

- A n d -

In the matter of : Md. Omar

.... Petitioner.

Mr. Satadru Lahiri,
Mr. S. W. Faruque,
Mr. J. Talukdar,

... For the Petitioner.

Mr. Eshita Dutta,

... For the State.

The petitioner says that he has been falsely implicated. He has no connection with the alleged trafficking in narcotics. He is in custody for one year and eleven months. There is no certainty as to when the trial will conclude. His fundamental right to personal liberty is being infringed. He should be immediately enlarged on bail.

Learned Advocate for the State while opposing the prayer for bail draws to our attention the material in the case diary. There appears to be *prima facie* incriminating evidence against the petitioner. 100.06 kgs of ganja was recovered from the joint possession of the accused persons. Therefore, keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage.

CRM (NDPS) 1013 of 2024 is, thus, dismissed.

However, the petitioner is in custody for quite some time.

We direct the learned Trial Court to make all efforts to expedite the

trial and conclude the same at an early date and definitely within a period of six months from the next date fixed for recording of evidence, excluding the official vacations.

We make it clear that if within the time period indicated herein trial is not concluded, 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.)