

03.07.2024
Item no.19.
Court No.28.
S. De
(Rejected)

CRM (NDPS) No. 1017 of 2024

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

And

In the matter of : Nowsad Mondal.

.....Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,
.....for the Petitioner.
Mr. Ashok Das,
...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench by an order dated November 24, 2023, passed in CRM (NDPS) 1630 of 2023.

80 bottles of Phensedyl Syrup containing codeine phosphate was allegedly recovered from the possession of the petitioner and a co-accused person. The petitioner says that he is in custody for 1 year, 10 months and 21 days. Witness action has not begun although charge was framed on September 6, 2023.

Learned advocate for the State says that there is clinching evidence against the petitioner. There are in all 10 witnesses named in the chargesheet. Schedule for examination has been fixed on July 19 and 21, 2024. He says that the trial can be concluded at an early date.

In view of the commercial quantity of contraband involved and prima facie incriminating evidence against the petitioner, we are not inclined to grant bail to the petitioner, at this stage.

CRM (NDPS) 1017 of 2024 is dismissed.

However, considering the lengthy detention of the petitioner, we direct the learned Trial Court to expedite the trial and conclude the same at an early date and positively within 6 months from the next date fixed for recording of evidence.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner may renew his prayer for bail.

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.)