

CRM (NDPS) 1016 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Suti Police Station** Case No. **328 of 2022** dated **16.06.2022** under Section **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Biswajit Mahanta

.... Petitioner.

Mr. Anisur Rahaman,

... For the Petitioner.

Ms. Arani Bhattacharyya,

... For the State.

1800 bottles of phensydel were seized from a public bus. The petitioner was the conductor of the bus. He says that he was not aware of the contraband being stored in the bus. Charge sheet was filed in December 2022. Charge was framed in August 2023. Till date not a single witness has been examined. He is in custody for more than two years. He should be granted bail on the ground of inordinate delay in the progress of trial.

Learned Advocate for the State, while opposing the prayer for bail, says that very recently i.e., on June 25, 2024, the bail prayer of the driver of the same bus was rejected by us in CRM (NDPS) 955 of 2024. There is sufficient incriminating evidence against the petitioner. His prayer for bail should not be entertained at this stage.

In view of commercial quantity of contraband item being involved and 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) 1016 of 2024 is, thus, dismissed.

However, since the petitioner has been in custody for an 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 and definitely within a period of one year from the next date fixed for trial.

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.)