

30.08.2024
Item no. 11.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1161 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jagaddal Police Station Case No.323 of 2022 Dated 20.05.2022 under Sections 21(c) of the NDPS Act

And

In the matter of : Sahil Rabidas @ Mungli

.....Petitioner.

Ms. Tanusree Ghoshfor the Petitioner.

Mr. Monoranjan Mahatofor the State.

Dictated by Arijit Banerjee, J.

1. 2 Kilograms 250 grams of codeine mixture was recovered from the exclusive possession of the petitioner. The petitioner prays for bail on the ground of delay in progress of the trial. He is in custody for two years three months.
2. Learned Advocate for the State, while opposing the prayer for bail, points out from the material on record that charge was framed on August 28, 2024. November 13, 2024, has been fixed as the date for examination of witness.
3. We find that charge sheet was submitted in November, 2022. We fail to understand as to why it took one year nine months to frame the charge after that. However,

since commercial quantity of contraband is involved, in view of Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail immediately.

4. The prayer for bail is, accordingly, rejected.
5. CRM (NDPS) 1161 of 2024 is dismissed.
6. Keeping in mind the lengthy detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same within six months from the date of communication of this order by the parties to the learned Trial Court, if necessary, by preponing the next date of trial. This time period is to be strictly adhered to.
7. We clarify that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.
8. The parties shall communicate this order to the learned Trial Court.
9. 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.)

