

50.
19-08-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1212 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of BNSS, 2023 in connection with Bagdah Police Station Case No.824 of 2022 dated 20-10-2022 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sajal Bar

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Ms. Manisha Sharma

... For the State.

Dictated by Arijit Banerjee, J.

375 bottles of Phensedyl was seized from what the petitioner says is his abandoned E-rickshaw. It is not in dispute that the petitioner is the owner of the concerned E-rickshaw. In view of commercial quantity of contraband being involved and the restriction in Section 37 of the NDPS Act, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

The petitioner says that the seizure took place on August 02, 2022. However, he was apprehended in September, 2023. No TI Parade was held to try and ascertain if the person who allegedly fled from the scene of seizure was the petitioner or not.

Learned Additional Public Prosecutor, while opposing the prayer for bail, draws our attention to the material in the Case Diary. *Prima facie*, there appears to be sufficient incriminating material against the petitioner. We are further told that two out eleven charge sheet named witnesses have

already been examined. August 21, 2024 is the next date for examination of witness.

In view of the prolonged incarceration of the petitioner, we direct the learned trial Court to expedite the trial to the fullest extent and conclude the same at an early date but positively within eight months from the next date fixed for trial.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The application for bail being CRM (NDPS) 1212 of 2024 is, thus, **dismissed**.

Registry is directed to communicate this order to the learned trial Court.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)