

CRM (NDPS) 1234 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Samsherganj Police Station** Case No. **458 of 2023** dated **03.12.2023** under Section **21(c)/22(c)/25/29** of NDPS Act.

- A n d -

In the matter of : Banarash Roy & Anr.

.... Petitioners.

Mr. Tapodip Gupta,

... For the Petitioners.

Mr. Sandip Kumar,

Mr. Shila Afrin,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners say that they are the driver and khalasi of the truck from which contraband items were seized. The owner has not been made a party. They are in custody for almost nine months. Even charge has not been framed. They pray for bail.
2. We see from the seizure list which is a part of the case diary, produced by learned Advocate for the State, that 2900 bottles of phensydel syrup was recovered from the joint possession of five persons including these two petitioners.
3. Commercial quantity of contraband item being involved, in view of the restrictions under Section 37 of the NDPS Act, we are not inclined to entertain the prayer for bail.
4. CRM (NDPS) 1234 of 2024 is, thus, dismissed.
5. However, the learned Trial Court must expedite the trial and conclude the same at the earliest and positively within a period of one year from the next date fixed for trial. Parties are directed to communicate this order to the learned Trial Court.

6. 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.)