

55.
23-08-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1307 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 STF Police Station Case No.18 of 2020 dated 18-05-2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Mukesh Saroj

.... Petitioner.

Mr. Raja Mukherjee

... For the Petitioner.

Mr. Kaushik Kundu,
Mr. Arup Sarkar

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected twice earlier, lastly on July 17, 2023. By that order, a coordinate Bench requested the trial Court to conduct the trial with utmost expedition by fixing schedules at regular intervals and conclude the same within one year from next date fixed for recording evidence. The petitioner says that in spite of such order, the trial is nowhere near its conclusion. He is in custody for 4 years 3 months. He prays for bail on the ground of delay in progress of the trial.

While opposing the prayer for bail, learned advocate for the State points out that 9950 bottles of Phensedyl were seized from a truck which was being driven by this petitioner. There is clinching incriminating evidence against the petitioner. 4 witnesses remain to be examined. The order dated July 17, 2023 perhaps was never communicated to the learned trial Court. A time period may be indicated within which the trial should conclude.

In view of huge quantity of Phensedyl having been seized from the possession of the accused persons, keeping in mind the restriction in Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, although he has been in custody for a substantial period of time.

The application for bail being CRM (NDPS) 1307 of 2024 is, thus, **dismissed**.

However, we cannot be unmindful of a citizen's fundamental right to personal liberty and speedy trial. Accordingly, we direct the learned trial Court to expedite the trial as much as possible and conclude the same at an early date but positively by the end of this year.

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

Learned Registrar General of this Court is requested to forthwith communicate this order to the learned trial Court. Parties will also be at liberty 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.)