

23.08.2024
Item no. 67.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1319 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 Kaliganj P.S. Case No.32 of 2023 dated 13.1.2023 under Sections 20(b)(c) 25/29 of the NDPS Act

And

In the matter of : Sadikur Ali

.....Petitioner.

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

.....for the Petitioner.

Mr. Iqbal Kabir,

Ms. Snigdha Saha

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than 590 days. He has no connection with the contraband item seized in the present case. He was the mere driver of a truck. The recovery was also not from the truck that he was driving. It was from elsewhere.
2. Opposing the prayer for bail, learned Advocate for the State draws our attention to an order dated June 19, 2024, passed by a Coordinate Bench in CRM (NDPS) 915 of 2024, whereby the Bench rejected the prayer for bail of the owner and the helper of the truck concerned and directed the learned Trial Court to conclude the trial within 18 months from the date of communication of this order. Learned Advocate

says that this petitioner stands on the same footing as he was driving the truck wherein the owner and the helper were also there.

3. We have seen the material in the case diary and in particular, the seizure list. 107 kilograms of ganja was seized from joint possession of four accused persons including this petitioner.
4. In view of the prima facie incriminating evidence against this petitioner and the restriction in Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail.
5. The prayer for bail is, accordingly, rejected.
6. CRM (NDPS) 1319 of 2024 is dismissed.
7. However, we direct the learned Trial Court to spare no effort to expedite the trial and bring the same to its logical conclusion and definitely within 18 months from the date of communication of this order to the learned Trial Court.
8. The parties shall communicate this order to the learned Trial Court.
9. We also request the learned Registrar General to communicate this order to the learned Trial Court.
10. 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.)

