

30.
04-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 1320 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Sagarpara Police Station Case No.22 of 2023 dated 23-10-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Momin Hoque @ Haque

.... Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter Banu,
Ms. Neha Roy

... For the Petitioner.

Mr. Kunal Ganguly

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that he has been framed. He has no truck with the contraband items seized from his vehicle. He is in custody for one year seven months. Even charge has not been framed. He prays for bail.

We see from the Case Diary that 1100 bottles of *Phensedyl* Syrup containing Codeine Mixture were seized from the car which was being driven by the petitioner. The materials in the Case Diary *prima facie* indicate clear involvement of the petitioner in the alleged offence. In view of the restriction in Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, at this stage.

However, we cannot lose sight of the fundamental right of a citizen to personal liberty and speedy trial. We direct the learned trial Court to positively consider the issue of framing charge within the next two weeks, by preponing the date fixed, which, we are told is October 07, 2024. If charge is framed, the learned trial Court shall conclude the trial

within a year from the date of framing charge, without granting unnecessary adjournments to either of the parties.

The application for bail being CRM (NDPS) 1320 of 2024 is, thus, **dismissed**.

Learned Registrar General of this Court shall immediately 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)