

57. 04.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1350 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: **Abdul Hossain @ Abul Hossain @ Abul Hussain**

...petitioner.

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Dhanasree Biswas

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Kaustav Banerjee

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench on February 7, 2024, in CRM (NDPS) 240 of 2024. He says that he is in custody for over two years and six months. Not a single witness has been examined.
2. While opposing the prayer for bail, learned Advocate for the State points out that one of the accused persons i.e., the owner of the concerned vehicle, was absconding. That has caused the delay in progress of the trial. Only 6/7 witnesses are intended to be examined.
3. In view of huge quantity of *ganja* being recovered from the joint possession of the accused persons including this petitioner and the restriction in Section 37 of the NDPS Act,

1985, we are not inclined to allow the petitioner's prayer for bail.

4. The application being CRM (NDPS) 1350 of 2024 is accordingly dismissed.
5. However, since the petitioner is in custody for an appreciable period of time, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date but positively within six months from the date of communication of this order by the parties to the learned Trial Court. For that purpose, if it is necessary, the Trial Court shall prepone the next date fixed for recording of evidence. No unnecessary adjournment shall be granted to either of the parties. Both the parties shall fully co-operate with the learned Trial Court to enable the Court to conclude the trial within the time period indicated herein.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)