

62. Court No.28 04.09.2024 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1355 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: **Abu Samad Mondal @ Mandal**

...petitioner.

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

...for the petitioner.

Mr. Gouranga Kr. Das
Mr. Manabendranath Badyopadhyay

...for NCB/UOI.

Dictated by Arijit Banerjee, J.

1. The petitioner’s prayer for bail was rejected by a co-ordinate Bench on February 19, 2024, in CRM (NDPS) 316 of 2024. The petitioner carried such rejection order to the Hon’ble Supreme Court of India by way of Petition for Special Leave to Appeal (Crl.) No.4326/2024. The Special Leave Petition was disposed of by the Hon’ble Supreme Court with the following observations:-

“All the same, having considered the entire facts and circumstances of the case, presently we are not inclined to grant bail to the petitioner. However, we give liberty to the petitioner to move an application for bail later in case the trial has not proceeded any further, but this shall be subject to the cooperation of the petitioner in the ongoing trial.

In the above terms, the present petition is dismissed.”

2. The petitioner renews his prayer for bail. He says that subsequent to passing of the aforesaid order of the Hon’ble

Supreme Court, two schedules for examination of witnesses were fixed. During none of the schedules the prosecution witnesses turned up. Hence, subsequent to the Hon'ble Supreme Court's order, there is absolutely no progress in the trial.

3. We see that huge quantity of phensedyl cough syrup containing codeine phosphate was recovered from the petitioner.
4. In view of the restriction in Section 37 of the NDPS Act, 1985, we are not inclined to enlarge the petitioner on bail, at this stage.
5. The application being CRM (NDPS) 1355 of 2024 is accordingly dismissed.
6. However, a citizen's fundamental right to personal liberty and speedy trial must also be protected. The petitioner is in custody for one year and nine months. We are told there are seven charge-sheet named witnesses. 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 the next date fixed has to be preponed, the same shall be done. No unnecessary adjournment shall be granted to either of the parties. The parties shall co-operate with the learned Trial Court to conclude the trial within the time period indicated herein.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)