

CRM (NDPS) 1372 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Lalgola Police Station** Case No. **238 of 2021** dated **24.04.2021** under Section **21(C)/29** of the NDPS Act and Sections 13/14 of the Foreigners Act.

- A n d -

In the matter of : Abdur Rahim @ Md. Abdur Rahim

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. D. Biswas,
Ms. Poulami Bose,

... For the Petitioner.

Mr. Soumik Ganguly,
Mr. Dipankar Paramanick,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Read order dated September 17, 2024. We have considered the judgments relied upon by the petitioner in support of the contention that just because the petitioner is a Bangladeshi national that *per se* would not stand in the way of court granting bail to him.
2. Indeed, the law appears to be that foreign nationality of a person alone cannot be the ground for rejecting bail prayer of a person.
3. We have considered the provisions of the Passport Act and the Foreigners Act. In a particular case if the court finds that a foreign national deserves bail, the court can pass such order and certain other directions to ensure that the foreigner is not at large and is confined to a particular area or a particular place.

4. However, in the present case, we are not inclined to extend the privilege of bail to the petitioner. His bail prayer was rejected earlier on merits. Commercial quantity of phensedyl syrup was recovered from his possession. He is the sole accused in the matter.

5. CRM (NDPS) 1372 of 2024 is, thus, dismissed.

6. However, considering that the petitioner is in custody for three years and five months, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the trial on an early date and definitely by the end of this year, if necessary, by preponing the next date fixed for recording of evidence.

7. We clarify that in the event the trial is not concluded by delivery of judgment by the end of this year, the petitioner may renew his prayer for bail.

8. Parties and the learned Registrar General of this Court shall communicate this order to the learned Trial Court.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)