

CRM (NDPS) 1382 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Coalpokher Police Station** Case No. **643 of 2023** dated **27.11.2023** under Section **21(C)/29** of NDPS Act.

- A n d -

In the matter of : Arsad @ Arsad Alam

.... Petitioner.

Mr. Mojibar Ali Naskar,
Mr. Habibur Rahaman,

... For the Petitioner.

Mr. Rana Mukherjee,
Mr. Manoranjan Mahata,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been framed. He was not even on the spot where the seizure of commercial quantity of contraband was made. The seizure list is deskwork of the police. He is in custody for nine months. Beyond filing of charge sheet, there is no progress in the trial.

2. Learned Advocate for State says that two other accused persons have been granted anticipatory bail. However, as the seizure list would show, the contraband items were recovered from this petitioner.

3. At this stage, we cannot go into the authenticity or otherwise of the seizure list. The seizure list clearly mentions that the recovery was from this petitioner. In view of the commercial quantity of contraband items being involved and keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail.

4. CRM (NDPS) 1382 of 2024 is, thus, dismissed.
5. However, considering that the petitioner is in custody for quite some time, we direct the learned trial court to consider the issue of framing of charges within two weeks from date and if charge is framed, then to conclude the trial as early as possible but positively within six months from the date of framing of charge.
6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)