

26.09.2024
Item no. 24.
Court No.28.
AB
(Rejected)

CRM (NDPS) 1383 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raninagar P.S. Case No.655 of 2023 Dated 04.12.2023 under Section 21C of the NDPS Act

And

In the matter of : Bishnupada Mondal @ Banu

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bosefor the Petitioner.

Mr. Saibal Bapuli,
Mr. Sujay Sarkarfor the State.

Dictated by Arijit Banerjee, J.

1. FSL report filed in Court today, be kept with the records.
2. The samples, which had been sent to the laboratory, have tested positive for narcotic substance.
3. The petitioner says that the two independent witnesses to the seizure list in their statements recorded before the Police under Section 161 Cr.P.C. have stated that the seizure took place on March 4, 2023, between 12.30 p.m. and 1 p.m. This is completely different from the actual date and time i.e. December 4, 2023, between 14.25 and 16.25 hours. In view of such inconsistency, the petitioner should be granted bail as the prosecution case is unlikely to succeed.

4. Learned Advocate for the State says that there are typographical errors in the statements recorded by the two independent witnesses before the Police. In any event, the same may be clarified at the trial. The seizure list is clear enough.
5. We are prima facie in agreement with learned State Advocate. Commercial quantity of narcotics being involved, we are not inclined to allow the petitioner's prayer for bail, at this stage.
6. The prayer for bail stands rejected.
7. CRM (NDPS) 1383 of 2024 is dismissed.
8. However, since the petitioner is in custody for more than nine months, we direct the learned Trial Court to expedite the trial and conclude the same at an early date and definitely within a year from the next date fixed for recording of evidence.
9. The parties shall communicate this order to the learned Trial Court.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

