

60. 17.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1421 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: - **Arjun Rai @ Roy**

...petitioner.

Mr. Bibaswan Bhattacharya
Ms. Benajir Hasna
Mr. Aliul Islam

...for the petitioner.

Mr. Avishek Sinha
Mr. Sobhan GAni

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about one year and three months. The process of seizure was not videographed in spite of direction to that effect in the case of **Kalu S.K.**, reported at **2022 SCC OnLine Cal 4556**. Only two out of 10 charge-sheet named witnesses have been examined. He renews his prayer for bail which was rejected earlier on February 21, 2024.
2. While opposing the prayer for bail, learned State Advocate points out that 2,500 bottles of phesnsedyl syrup containing codeine phosphate were recovered from the petitioner in an Omni vehicle. All efforts will be made to expedite the trial.
3. In view of commercial quantity of contraband items being involved and there being *prima facie* complicity of the petitioner in the alleged crime and also keeping in mind the

restrictions in Section 37 of the NDPS Act, 1985, we are not inclined to allow the petitioner's prayer for bail.

4. Hence, the prayer for bail is rejected.
5. The application being CRM (NDPS) 1421 of 2024 is accordingly dismissed.
6. However, keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial and considering the fact that the petitioner has been in custody for about one year and three months, we direct the learned Trial Court to spare no efforts to expedite the trial and bring the same to its logical conclusion at the earliest but positively within eight months from the next date fixed for recording of evidence.
7. The parties shall immediately communicate this order to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)