

21.
Court
No.28

01.10.2024
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1426 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 arising out of Ashoknagar P.S. Case No. 582/21 dated 05.08.2021.

And

In the matter of: - **Md. Sebgatullah @ Jamai & Ors.**
...petitioners.
Mr. Angshuman Chakraborty
Mr. S.S. Saha
...for the petitioners.
Mr. Ranadeb Sengupta
Ms. Sudeshna Das
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail which was rejected on more than one occasion earlier, lastly on October 5, 2023, in CRM (NDPS) 1600 of 2023. By that rejection order, a co-ordinate Bench had directed the Trial Court to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the date fixed for recording evidence. The petitioners say that only nine out of 20 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. They are in custody for more than three years and one month.
2. Opposing the prayer for bail, learned State Advocate points out that only three more prosecution witnesses will be examined, who are all formal witnesses. The next dates fixed are November 11, 2024 and November 12, 2024. More than

18,000 bottles of phensedyl syrup containing codeine mixture, which is a contraband item, were recovered from the joint possession of the petitioners. The order of the co-ordinate Bench passed on October 5, 2023, was communicated to the learned Trial Court only on December 8, 2023. Therefore, the one-year period should be calculated from that date.

3. We find that the trial is on the verge of conclusion. The order of the co-ordinate Bench was brought to the knowledge of the learned Trial Court only on December 8, 2023. Therefore, the Trial Court has time till December 7, 2024, to conclude the trial.
4. In view of huge quantity of contraband items being involved and also keeping in mind the restrictions in Section 37 of the NDPS Act, 1985, we are not inclined to grant bail to the petitioners. Hence, the prayer for bail is rejected.
5. The application being CRM (NDPS) 1426 of 2024 is accordingly dismissed.
6. Considering that the petitioners have been in incarceration for a long period of time, we direct the learned Trial Court to definitely conclude the trial by delivery of judgment by December 15, 2024.
7. This order shall be immediately communicated to the learned Trial Court by both the parties as also the Registry of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)