

18.10.2024
Sl. No.1
PP/BM

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(NDPS) 1673 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(corresponding to Section 439 of the Code of Criminal Procedure) in connection with NDPS Case No.02 of 2023 arising out of NCB Crime No.02/NCB/Kol/2023 under section 20(b)(ii)(c) and Section 20(c) of the Narcotic Drugs and Psychotropic Substances (in short, NDPS) Act as amended for violation of the prohibition imposed under Section 8(c) of the NDPS Act, 1985.

And

In the Matter of : Alamgir Mondal

.... petitioner.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

.....For the petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Sourav Mondal

.....For the NCB.

1. This is the second bail petition moved by the petitioner before this Court. The previous bail petition [being CRM (NDPS) 616 of 2024] was rejected on 8th April, 2024.
2. The petitioner was apprehended with 43 kgs. of Ganja and 371 bottles of phensedyl cough syrup containing codeine phosphate from his residence. Admittedly, the recovery is of commercial quantity of contraband.

3. The petitioner is seeking bail for violation of Article 21 of the Constitution of India on the ground that there has been delay in trial.
4. The issue relating to bail to an under-trial is considered under Article 21 of the Constitution of India where there is unnecessary and prolonged detention pending judicial adjudication. Although, about six months have surpassed from the rejection of the earlier bail but there has been no change in situation for which the petitioner can be enlarged on bail.
5. The facts of the case which were considered by this court while rejecting the petitioner's bail application on 8th April, 2024 has also not changed substantially to persuade this court to grant bail to the petitioner keeping in mind the provisions of Section 37 of the ratio laid down in the judgement of the Division Bench reported in 2020 SCC Online Cal 3261(In Re : Sanawar Ali), we are unable to accept the submission made on behalf of the petitioner and grant bail.
6. The bail application being CRM (NDPS) 1673 of 2024 is thus rejected.

(Supratim Bhattacharya, J.) (Arindam Mukherjee, J.)