

18.10.2024
GB/srm
Crt. No.8
Sl no. 8
(Vacation Bench)

C.R.M. (NDPS) 1680 of 2024

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 or under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.10.2024 in connection with Golabari Police Station Case No.06 of 2022 dated 06.01.2022 under Sections 27(A)/28/29/30 of NDPS Act, 1985.

In the matter of : Irshad Khan

..... Petitioner

Mr. Joy Chakraborty,
Mr. Sandip Dina,
Ms. Dipsita Ghosh,
Mr. Ranjit Malakar

... for the Petitioner

Mr. Debasish Roy, Ld. P.P.,
Mr. Subrata Roy

... for the State

The petitioner has prayed for bail only on the ground of violation of Article 21 of the Constitution of India.

The facts reveal that subsequent to the arrest of the petitioner, several places were raided which led to recovery of 13 kgs. of contraband article (heroin). A money trail has been unearthed which, prima facie, establish inter-state trading activity with contraband articles.

In the instant case, charges have been framed and 7 witnesses have already been examined. The petitioner is in correctional home since being arrested on 5th of January, 2022.

Considering the progress of the trial, it cannot be said that there is inordinate delay in proceeding with the trial or delay in judicial decision is compelling the petitioner to be in custody. The quantity of contraband recovered considered with the money trail and subsequent events do not persuade us to exercise a discretion based only on Article 21 of the

Constitution of India when the NDPS Act clearly provides a strict view to be taken particularly, in view of the provisions of Section 37 of the said Act.

It is submitted by the learned Public Prosecutor that in an application for bail filed by a co-accused being CRM (NDPS) 977 of 2024, this Court by an order dated 3rd July, 2024 has restricted the time for completing the trial within one year from the next date fixed for recording of evidence after 3rd July, 2024.

In the facts and circumstances, the application for bail is rejected.

Accordingly, CRM (NDPS) 1680 of 2024 is dismissed.

(Arindam Mukherjee, J.)

(Supratim Bhattacharya, J.)