

18.10.2024
GB/srm
Crt. No.8
Sl no. 9
(Vacation Bench)

C.R.M. (NDPS) 1681 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 08.10.2024 in connection with Madhyamgram Police Station Case No.166 of 2024 dated 19.03.2024 under Sections 21(C)/29 of NDPS Act, 1985.

In the matter of : Arjun Singh @ Babu & Anr.

..... Petitioners

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... for the Petitioners

Mr. Debasish Roy, Ld. P.P.,
Ms. Shaila Afrin,
Ms. Manasi Roy

... for the State

This is the second application for bail made by the petitioners. The previous application being CRM (NDPS) 1213 of 2024 was rejected on 19th August, 2024, but the learned coordinate Bench while rejecting the previous bail petition made by the petitioners had directed expeditious trial and had directed the completion of the same preferably within a year from the next date fixed for trial.

After hearing the parties and considering the materials on record, we do not find any substantial change that has taken place between the rejection of the earlier bail application and the filing of the present to persuade us to enlarge the petitioners on bail for infringement of the rights conferred on to the petitioners under Article 21 of the Constitution of India.

The judgment reported in 2024 SCC OnLine SC 1693 (Javed Gulam Nabi Shaikh versus State of Maharashtra and Another) cited by the learned advocate for the petitioners in support of his contention, is also not

applicable due to divergence of vital facts , although there is no dispute as to the ratio laid down therein by the Hon'ble Supreme Court. The petitioners have also not prayed for bail on the merits of the case and, as such, we do not find any cogent reason to grant bail to the petitioners on the ground of delay in judicial adjudication while the petitioners are in custody.

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

Accordingly, CRM (NDPS) 1681 of 2024 is dismissed.

(Arindam Mukherjee, J.)

(Supratim Bhattacharya, J.)