

1810
2024

FRIDAY

COURT : 08
ITEM : 06
MATTER : 439
STATUS : REJECTED
BENCH ID : 266137
AR COURT : NANDY

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
(VACATION BENCH)

CRM (NDPS) 1678 of 2024

In Re:- An application for **Bail** under section **483** of the Bharatiya
Nagarik Suraksha Sanhita (corresponding to Section 439 of the
Code of Criminal Procedure) filed on October 3, 2024 in
connection S.T.F. Police Station Case No. 37 of 2022 dated
31.12.2022 under Sections 21(C)/29 of the Narcotic Drugs &
Psychotropic Substance Act. (NDPS Case No. 01 of 2023)

And

In the matter of : **Prasanta Sarkar**

.....Petitioner

Mr. Joy Chakrabvorty, Advocate

.....for the Petitioner

Mr. Rudradipta Nandy, Advocate

Mr. Mir Anuruzaman, Advocate

.....for the State

1. The petitioner was apprehended with more than 1 K.G. of contraband article (Heroine) on 30.12.2022.
2. The learned Counsel for the petitioner says that till date only charges have been framed and only one witness has been examined. The petitioner further says that his rights under Article 21 of the Constitution of India is violated as he is languishing in jail only for delay in judicial adjudication though no further custodial interrogation is required.
3. After hearing the parties and considering the materials-on-record, we find that within a period of two years from the date of occurrence of the incident, the trial has commenced and one witness has already been examined. It cannot, therefore, be said that there is inordinate delay in conducting the trial for which the petitioner is required to be enlarged on bail only on the ground of violation of Article 21 of the Constitution of India ignoring the merits of the case as also the provisions of Section 37 of the NDPS Act.

4. We do not find any merit in the petitioner's submission.
5. The application for bail being **CRM (NDPS) 1678 of 2024** is thus **rejected**.

(ARINDAM MUKHERJEE, J)

(SUPRATIM BHATTACHARYA, J)