

18.10.2024
GB/srm
Crt. No.8
Sl no. 10
(Vacation Bench)

C.R.M. (NDPS) 1682 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 Swarupnagar Police Station Case No.58 of 2024 dated 03.02.2024 under Section 21(C) of NDPS Act, 1985.

In the matter of : Sudip Mondal

..... Petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... for the Petitioners

Mr. Rudradipta Nandy,
Ms. Sonali Das

... for the State

This is the second application for bail made by the petitioner. The previous application being CRM (NDPS) 894 of 2024 was rejected on 25th June, 2024. The learned coordinate Bench while rejecting the said application for bail filed by the petitioner had passed an order directing expeditious trial to the extent the business of the court may permit.

We are told that after the said order, charges have been framed. The petitioner, however, says that after framing of the charges on six consecutive dates witness action did not commence.

After hearing the parties and considering the materials on record, we do not find any substantial change in situation which persuades us to grant bail to the petitioner. The petitioner has restricted his application only on the ground of infringement of his rights under Article 21 of the Constitution of India for being in custody when the judicial adjudication is delayed due to the inaction on the part of the prosecution.

Considering the date and the gamut of the order dated 25th June, 2024, we do not find any reason to enlarge the petitioner on bail.

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

Accordingly, CRM (NDPS) 1682 of 2024 is dismissed.

We, however, specifically direct that the trial be concluded within a period of 18 months from the next date fixed for hearing.

The parties will be at liberty to communicate a server copy of this order to the court before which the trial is pending.

(Arindam Mukherjee, J.)

(Supratim Bhattacharya, J.)