

CRM (NDPS) 1684 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kulpi Police Station** Case No. **466 of 2023** dated **29.09.2023** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

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In the matter of : Saheb Sardar & Ors.

.... Petitioners.

Mr. S. Sekhar Saha,

... For the Petitioners.

Mr. Md. Adil Badr,

Mr. Parvej Anam,

... for the State.

Dictated by Arijit Banerjee, J:-

1. Report filed by the State be kept with the records.
2. As recorded in our earlier order the main point that was urged by the petitioners was that Section 42(2) of the NDPS Act was not complied with in this case.
3. Learned State Advocate draws our attention to page 19 of the case diary. It appears that there is no substance in the said contention of the petitioners. Section 42(2) of the NDPS Act appears to have been complied with.
4. In that view of the matter and considering that 103 kgs of ganja was recovered from the accused persons who are the petitioners before us, we are not inclined to enlarge the petitioners on bail, at this stage.
5. CRM (NDPS) 1684 of 2024 is, thus, dismissed.
6. However, we find that 2 out of 22 charge sheet named witnesses have only been examined till now. The petitioners are in

custody for about one year two months. Learned State Advocate says that all 22 witnesses may not be examined.

7. Be that as it may, considering that the petitioners have been in custody for quite some time, we request the learned trial court to expedite the matter to the fullest extent possible and conclude the same on an early date without granting unnecessary adjournments to either of the parties.

8. Needless to say that the observations in this order are only for the purpose of disposing of this bail application and shall have no bearing on the trial.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)