

43. 20.12.2024
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1773 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of Samserganj P.S. Case No. 445/2023 dated 26.11.2023.

And

In the matter of: - **Bablu Sk.**

...petitioner.

Mr. Tapodip Gupta
Mr. Suman Bhanja

...for the petitioner.

Ms. Amita Gaur
Ms. Trina Mitra

...for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated December 5, 2024.
2. The original case diary is produced. We find that the FSL report is dated February 12, 2024 and the same was filed with the charge-sheet on March 27, 2024. Hence, no question of the petitioner being granted default bail on the ratio of the decision in *Idul Mia v. State of West Bengal* [CRM (NDPS) 1359 of 2024] does arise.
3. The petitioner says that he is in custody for more than one year. Beyond framing of charge, nothing has progressed in the trial. There are 16 charge-sheet named witnesses.
4. The State says that 60 Kgs. of *ganja* was recovered from the accused persons including this petitioner.
5. In view of the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to

allow the petitioner's prayer for bail, at this stage. Hence the prayer for bail is rejected.

6. The application being CRM (NDPS) 1773 of 2024 is accordingly dismissed.
7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to spare no efforts to expedite the trial to the utmost and conclude the same on an early date.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)