

06.03.2025
Item no. 11.
Court No.29.
AB
(Rejected)

CRM (NDPS) 57 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.02 of 2023 under Sections 20(b)(ii)(c)/21(c)/8C of the NDPS Act

And

In the matter of : Alamgir Mondal

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Sahafor the Petitioner.

Mr. Kallol Mondal, Sr. Adv,
Mr. R. R. Mohantyfor the NCB.

Dictated by Arijit Banerjee, J.

1. Read order dated February 13, 2025.
2. Status Report filed by Narcotics Control Bureau, be kept with the records.
3. We find that even charge has not been framed. Learned Advocate for NCB says that this is because other accused persons are absconding.
4. Other accused persons may be absconding. That does not mean that the trial will never begin. The petitioner is in custody for two years and two months.
5. We direct the learned Trial Court to split up the trial in accordance with law and proceed with the trial against those persons who are facing trial including this petitioner. This should be done immediately and then, if charge is framed, the trial should proceed with as much as expedition as is possible considering the prolonged detention of the petitioner in custody.

6. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India. He says that given the stage of the trial, which has not even begun as charge has not even been framed and considering that there are nine charge sheet named witnesses, there is no possibility of an early conclusion of the trial.
7. We see that 371 bottles of phensedyl syrup and 43 kilograms of ganja were seized from the joint possession of the accused persons including this petitioner. Further, this petitioner has criminal antecedents. Another NDPS case is pending against him.
8. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage, in spite of he being in custody for over two years.
9. The prayer for bail is rejected.
10. CRM (NDPS) 57 of 2025 is dismissed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)

