

21.02.2025
Item no. 32.
Court No.29.
AB
(Rejected)

CRM (NDPS) 104 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 Kaliachak P.S. Case No.436 of 2022 Dated 1.5.2022 under Sections 25/29/21(C) of the NDPS Act

And

In the matter of : Achinta Mandal

.....Petitioner.

Mr. Amitava Karmakar
Mr. A. K. Bhowmickfor the Petitioner.

Mr. Avishek Sinha
Mr. Aritra Bhattacharyafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected twice earlier, lastly on November 13, 2024. He says that he is in custody for about one year and five months. Charge has already been framed, but witness action has not begun. There is no likelihood of an early conclusion of the trial.

2. We see that the petitioner was denied bail on merits on two occasions. 6000 bottles of phensedyl syrup were recovered from the Toto which the petitioner was driving. He managed to give a slip to the raiding team members. He was arrested after the charge sheet was submitted. Therefore, he absconded for some time.

3. Learned State Advocate tells us that out of 15 charge sheet named witnesses, 11 witnesses may be examined. March 17, 2025, has been fixed as the next date for examination of witnesses. All efforts will be made to conclude the trial on an early date. There is sufficient incriminating material against the petitioner.

4. Considering that commercial quantity of contraband items is involved and the petitioner had initially absconded, we are not inclined to entertain his prayer for bail, at this stage.

5. The prayer for bail is rejected.

6. CRM (NDPS) 104 of 2025 is dismissed.

7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournment to either of the parties, and if necessary, by fixing frequent schedules for examination of witnesses.

8. Parties to communicate this order to the learned Trial Court.

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.)

