

CRM (NDPS) 1715 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 **NCB Crime No. 03/NCB/KOL/2023** dated **09.01.2023** under Sections **8(c)/20(b)(ii)(c)/29/35/54** of the NDPS Act.

- A n d -

In the matter of : Md. Shamim Ahmed

.... Petitioner.

Mr. Shamim Ahammed,
Mr. G. Parvin,

... For the Petitioner.

Mr. Krishnendu Bhattachayya,
Mr. Sagar Saha,

... for the NCB.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that he has been falsely implicated. He is a businessman dealing in garments. At the time of the alleged seizure of contraband items from his car, his car was not at the place of seizure as would appear from the report obtained from the National Highways Authority of India. He further says that he is in custody for about two years. None of the charge sheet named witnesses has been examined in full. Both on merits and on the touchstone of Article 21 of the Constitution of India, he prays for bail.

2. Learned Counsel for NCB strongly opposes the bail prayer. He points out that from the car of this petitioner 60 kgs of ganja was recovered. He has filed a report signed by the Investigating Officer of the case. Let the report be kept with the records. The report says that NCB is committed to conclude the trial within a period of three months.

3. Commercial quantity of ganja is involved. The argument of the petitioner is that his car was not there at the site of seizure, can be advanced before the learned Trial Court. All factual aspects should be thrashed out before the learned Trial Court.

4. Keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail.

5. CRM (NDPS) 1715 of 2024 is, thus, dismissed.

6. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible, if necessary, by preponing the next date of recording evidence and to complete the trial as soon as possible keeping in mind the commitment of NCB to conclude the trial within three months.

7. 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.)