

13.01.2025
Item no. 31.
Court No.29.
AB
(REJECTED)

CRM (NDPS) 1844 of 2024

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 Durgapur P.S. Case No.506 of 2023 Dated 02.10.2023 under Section 21c/29 of the NDPS Act

And

In the matter of : Siyaram Gurjar @ GurjaPetitioner.

Mr. Asraf Mondalfor the Petitioner.

Mr. Antarikhya Basu
Ms. Madhumita Basakfor the State.

Dictated by Arijit Banerjee, J.

1. 15000 bottles of phensedyl syrup containing codeine phosphate was seized from a truck. The petitioner was driving the truck.
2. The petitioner says that the consignee of the goods has already been granted bail. He should also be granted bail. He is in custody for one year and three months.
3. Opposing the prayer for bail, learned State Counsel tells us that the owner of the truck is absconding. Further, the consignee was granted bail since he was implicated solely on the basis of statement of a co-accused person. There was no recovery from that person. The petitioner does not stand on the same footing as that person. Charge has been framed. December 18, 2024, was fixed

as the date for recording of evidence. The defence took time on that day.

4. In view of commercial quantity of contraband items being involved, we are not inclined to grant bail to the petitioner.
5. It cannot also be said that there is inordinate delay in progress of the trial. We see that on the day the recording of evidence was to begin, the defence took time.
6. We are, therefore, not inclined to entertain the petitioner's prayer for bail, at this stage.
7. The prayer for bail is rejected.
8. CRM (NDPS) 1844 of 2024 is dismissed.
9. However, considering that the petitioner is in custody for quite some time, we direct the learned Trial Court to expedite the trial to the extent possible and conclude the same on an early date.
10. The parties shall communicate this order to the learned Trial Court.
11. 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.)

