

CRM (NDPS) 1864 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Tarikul Gazi & Anr.

.... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha, ... For the Petitioners.

Mr. Krishnendu Bhattacharyya,
Mr. Sourav Mondal, ... For the NCB.

Order dictated by Arijit Banerjee, J.

1. 450 bottles of cough syrup containing codeine phosphate was recovered from the accused persons including the petitioners herein.
2. The petitioners complain of delay in progress of trial. they say that they are in custody for about 2 years and 5 months even charge has not been framed. They renew their prayer for bail which was rejected earlier in May 3, 2024. They renew their prayer for bail which was rejected earlier on May 3, 2024.
3. Status report filed by NCB be kept with the records.
4. We find from the report that a co-accused person was absconding. Therefore, there was some delay in progress of the trial. that person surrendered on October 5, 2024. January 24, 2025, has been fixed as the date for framing of charge. Therefore, we cannot attribute the delay in progress of the trial to the prosecution.

5. In view of commercial quantity of contraband items being involved, keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioners' prayer for bail. CRM (NDPS) 1864 of 2024 is dismissed.
6. We see that there are only 8 chargesheet named witnesses. Therefore, it is expected that the trial should conclude within a reasonable time period. We direct the learned Trial Court to spare no efforts to ensure a speedy conclusion of the trial.
7. Let this order be communicated by the parties to the learned Court below.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)