

10.02.2025
Item no. 44.
Court No.29.
AB
(Rejected)

CRM (NDPS) 1983 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 Baishnabnagar P.S. Case No. 106 of 2023 Dated 12.02.2023 under Section 21C/25/29 of the NDPS Act

And

In the matter of : Neherul Petitioner.

Mr. Saryati Dutta
Mr. Tapodip Gupta
Mr. Chitrak Biswas for the Petitioner.

Mr. Anand Keshri
Mr. Aritra Bhattacharyafor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner's prayer for bail was rejected on July 11, 2024. Thereafter only charge has been framed. There is no chance of an early conclusion of the trial since 10 witnesses are to be examined by the prosecution. The other co-accused persons involved in this case were granted bail. The recovery was made from a pond of the petitioner and his father. Considering his period of detention i.e. about 328 days, he may be granted bail on any condition.
2. Learned Counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner. He is a habitual offender and there are sufficient materials to show that the offence has also been committed by the present

petitioner along with others. 393 bottles of phensedyl syrup containing codeine phosphate was recovered from the pond of the present petitioner. If the petitioner is enlarged on bail, the prosecution may suffer. 10 witnesses will be examined within a very short span of time.

3. We have considered the materials on record. It is found that there are criminal antecedents of the present petitioner. We have also found that within one year of commencement of the case, the trial has commenced. It is expected that the prosecution will complete the trial of the case within a reasonable period of time. As there are sufficient incriminating materials against the petitioner, we are not inclined to allow his prayer for bail, at this stage.
4. The prayer for bail is rejected.
5. CRM (NDPS) 1983 of 2024 is 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 and conclude the same on an early date.
7. The parties shall communicate this order to the learned Trial Court.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

