

19.10.2020

BP
Sl. 11

CRM 7908 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Madhyamgram Police Station Case No. 635 of 2017 dated 23.11.2017 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Md. Sabirul Islam.petitioner

Ms. Sonali Das
..for the petitioner.

Mr. Sanjay Bardhan
Mr. Palash Chandra Majhi
..for the State.

The petitioner undertakes to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned advocate for the petitioner submits that the petitioner has been falsely implicated in the present case. He is innocent one. He should be released on bail.

Learned advocate for the State opposes the prayer for bail and further submits that 26.2 kgs of ganja were recovered from the possession of the petitioner which is

commercial quantity. He further submits that charge-sheet has been submitted and trial has already been commenced. It is further contended that Section 37 of the NDPS Act is barred to grant bail, therefore, court should not grant bail to the petitioner.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the case diary, in our considered view, the petitioner should not be granted bail.

Accordingly, the prayer for bail is rejected.

However, we are informed by the learned advocate for the petitioner that till date no witness has been examined. Therefore, we direct the learned court below to proceed with the trial and complete the same within eight months from the date of this order without granting any unnecessary adjournment to either of the parties.

The application for bail being CRM 7908 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)

