

20.10.2020
DL No.23
Court No.12
Avijit Mitra

CRM 8131 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **STF** P.S. Case No.**30/2019** dated **10.08.2019** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Faruk Ahmed**

....Petitioner.

Ms. Rituparna Ghosh

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi

...for the State.

The learned counsel for the petitioner has renewed his prayer for bail.

It is submitted that the petitioner is languishing in jail for long and there is no possibility of trial being commenced in the near future. It is submitted that two similarly placed accused persons have been granted bail.

Learned counsel for the state opposes the prayer for bail.

It is submitted that the narcotic substance of above commercial quantity has been recovered from the petitioner and the F.S.L. report collected clearly establishes the nature and character of the said substance. It is also submitted that chemical examination result is positive.

Having considered the materials on record and the case diary disclosing *prima facie* involvement of the petitioner in the commission of the alleged offence in possessing narcotic

substance above commercial quantity and having regard to the fact that trial court has fixed on 11th December, 2020 for framing of charge, we are not inclined to grant bail to the petitioner.

Accordingly, the application for bail being CRM 8131 of 2020 is rejected.

It is directed that the trial court shall decide on the issue relating to framing of charges on the date fixed i.e. 11th December, 2020 and none of the parties shall pray for any adjournment on that date. In the event the charges are framed the trial court shall conclude the trial preferably within one year from that date without granting any unnecessary adjournment to either of the parties.

The department shall also make note of that C.R.M. No.3005 of 2020 and C.R.M. No.8125 of 2020 are disposed of on the basis of the order passed in C.R.M. No.8131 of 2020.

All parties are to act on a website copy of this order on the usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)