

08.01.2021
Item no.33
Ct.5
CHC
Rejected

C.R.M. No.142 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Case No.N-45/2020 arising out of Basirhat Police Station Case No. 190/20 dated 11.02.2020 under Section 21(c) of the N.D.P.D. Act.

And

In the matter of:-

Abdul Alim Sk

... Petitioner

Mr. Ashok Kumar Chowdhury

.. for the petitioner

Mr. Saryati Datta

..for the State

This relates to the prayer for bail.

Learned advocate, Mr. Chowdhury for the petitioner seeks bail taking the ground of long detention of 11 months together with further ground that trial has not commenced causing protraction to trial.

Learned Additional Public Prosecutor, Mr. S. Datta raises objection against the prayer for bail submitting that in this case 10 liters of codeine mixture have been recovered from the possession of accused person, which is above the commercial

quantity, and further that supplementary charge-sheet has been submitted on 5th January, 2021 resulting in some little delay in the commencement of the trial.

Having considered the submission of both sides in context with materials already collected in the C.D. and bearing in mind the extent of recovery, we are not inclined to grant bail to the petitioner keeping in mind restriction contained in Section 37 of the N.D.P.S.Act.

We, however, request the learned trial court to expedite the trial and conclude the same providing his sincerest efforts to that effect.

C.D. be returned.

CRM 142 of 2021 stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)