

04.03.2021
Ct No. 28
Item No.9
Rakib (PA)

CRM 376 of 2021

In Re.- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re: Sk. Ismail @ Dulal & Ors.

Petitioners

Mr. Dipak Senguptya, Sr. Adv.,
Mr. Mrityunjoy Chatterjee

....For the petitioners

Mr. Ranadeb Sengupta

.....For the State

Report dated 08.02.2021 submitted by Mr. Ranadeb Sengupta, learned advocate appearing for the State be kept with the record.

Mr. Dipak Sengupta, learned Senior Counsel submits that the petitioner are in custody for one year and six months and although they were arrested on or about 28.07.2019 but till date the charges have not been framed. He further submits that the investigation of the case was concluded on or about 21.01.2020 and copies were served on or about 4.02.2020 but till date nothing has progressed. Under such circumstances he prayed before the Court that as there is no scope for the trial being completed in the near future, petitioner may be released on bail on any stringent condition.

Mr. Ranadeb Sengupta, submits that 25 kgs. of contraband (ganja) were recovered from the joint possession of

the petitioners and earlier their prayer for bail was rejected. Relying on the report he submits that there are 14 witnesses most of whom belong to the Police Department/Government Department and as such once the trial commence after consideration of charge it can be completed within a reasonable period of time.

We have considered the material in the Case Diary, the report submitted on behalf of the State and having regard to the seizure list from where it is reflected that commercial quantity of contraband were seized from the joint possession of the petitioners, we are of the opinion that Section 37 of the N.D.P.S. Act is attracted and as such the petitioners are not entitled to be released on bail. Accordingly, the prayer for bail of the petitioners are rejected.

However, considering that the petitioners are in custody since 28.07.2019 the learned trial Court is directed that once the stage of consideration charge is over efforts must be taken for concluding the trial within a reasonable period of time. It is further directed that no unnecessary adjournment should be granted to either of the parties and no witness should be excused from appearing in Court without any reasonable cause.

With the aforesaid observations C.R.M. 376 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)