

22.02.2021
Court No.28
rpan / 60

C.R.M. 548 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with New Town Police Station Case No.388/18 of 2020 dated 08.09.2018 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Biswajit Mondal @ Gadu @ Arif Mondal**

...Petitioner.

Mr. PrabPartha Pratim Das,
Ms. Debadrita Mandal

....for the petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta

....for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for two years and five months and there is no progress in the trial although the petitioner, in fact, is languishing in jail. Additionally, the learned advocate submits that on any stringent condition the petitioner may be released on bail.

Ms. Datta, learned advocate for the State submits that next date is fixed for framing of charge and there are, however, eight witnesses to be examined by the prosecution. Learned advocate further submits that six litres of codeine phosphate were seized from the possession of the petitioner.

Having regard to the fact that the contraband, so seized, is of commercial quantity, we are of the opinion that Section 37

of the NDPS Act is attracted. As such, the petitioner is not entitled to be released on bail.

Having regard to the fact that till date none of the witnesses has been examined in the case and the next date, as submitted, is on 8th March, 2021, we direct the learned trial court to take steps so that on each and every month at least a schedule is fixed for the trial of the case so that the eight witnesses, so relied by the prosecution, can be concluded within the course of this year.

With the above observations, CRM 548 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)