

24.02.2021

Item No.20

Ct.No.28

dc.

C.R.M. 557 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Alamgir Molla**

... Petitioner.

Ms. Sonali Das

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Swarupnagar P.S. Case No. 1023 of 2019 dated 30.11.2019 (N. Case No. 234 of 2019) under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation, charge-sheet has been filed and as such, further detention of the petitioner, who is in custody for 15 months, is not warranted.

Mr. Bardhan, learned advocate appearing for the State submits that contraband substance, above the commercial

quantity, was recovered from the possession of the petitioner and three other co-accused persons. Upon obtaining the FSL report, supplementary charge-sheet has been filed on 23rd December, 2020.

Having heard the learned advocates and considering the materials in the case diary and since contraband substance, above the commercial quantity, was recovered from the joint possession of the petitioner and other co-accused persons, we are of the opinion that the petitioner has not been able to overcome the rigours of Section 37 of the N.D.P.S. Act. In view thereof, we are not inclined to grant bail to the petitioner at this stage.

However, the learned trial court is directed to take expeditious steps towards conclusion of trial without granting any unnecessary adjournments.

Accordingly, the application for bail, being CRM 557 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)