

28.06.21
(S.R.)
Sl.22
Ct.30

CRM No.562 of 2020
with
CRAN No.1 of 2020
Via video conference

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Krishnagar Kotwali Police Station Case No.358 of 2019 dated 20.06.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, corresponding to NDPS Case No.66 of 2019;

And

In re: Shyamal Kundu

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Neguive Ahmed, APP
Ms. Monisha Sharma
Ms. Amita Gour

...for the State.

The present application for bail being CRM No.562 of 2020 is taken up for hearing via video conference. The application being CRAN No.1 of 2020 is, accordingly, disposed of.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 738 days. Upon completion of investigation charge sheet has been submitted. Three dates were fixed for framing of charges but in vain. The delay in conclusion of trial is not attributable to the petitioner. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioner and another. The delay, which has occasioned, is not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemic.

Heard the learned advocates appearing for the respective parties.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and another and as such the provisions of Section 37 of the NDPS Act are clearly attracted in the present case. In view thereof, we are not

inclined to exercise any discretion in favour of the petitioner and grant him bail at this stage.

However, we direct the learned trial court to take expeditious steps towards conclusion of the trial.

Accordingly, the application for bail being CRM No.562 of 2020 is dismissed.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)