

08.03.2021
Court No.28
Item No. 33
Krishnendu
Bail Rejected

**CRM 733 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Jiarul Sardar & Anr.**

.....Petitioners

Ms. Devipriya Mitra

Mr. Prabir Kumar Banerjee

....For the Petitioners

Mr. Binay Panda

Mrs. Puspita Saha

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Basirhat Police Station Case No.409 of 2020 dated 26.03.2020 under sections 21C/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Case No. N-107 of 2020).

The learned advocate for the petitioners submits that the petitioners are in custody since 26th March, 2020 and although charge sheet has been submitted but till date there has been no progress in the trial. Additionally, he submits that on any condition the petitioners may be released on bail.

The learned advocate for the State submits that the chemical examiner's report has already been submitted and as the subject matter of the case involves seizure of 10 litres of codeine mixture and that too from the possession of the present petitioners, the provisions of section 37 of the N.D.P.S. Act are attracted.

We have taken into account the subject matter of the case involving commercial quantity of contraband being seized and as such we are not inclined to release the petitioners on bail. Hence, their prayer for bail is rejected.

Having regard to the fact that the prosecution has relied upon seven witnesses to prove its case and the petitioners are in custody, the learned Trial Court should take all steps so that the trial of the case is conducted regularly and the same is concluded within a reasonable period of time without granting any unnecessary adjournment to either of the parties.

With the aforesaid observations, the application for bail, being CRM 733 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)