

25.03.2021

Item No.139

Ct.No.28

dc.

C.R.M. 1383 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 : **Matin Sk. & Others**

... Petitioners.

Ms. Minoti Gomes

... For the Petitioners.

Mr. Binay Panda,
Ms. 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 Raghunathganj P.S. Case No. 92 of 2020 dated 09.02.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 28/2020).

The learned advocate appearing for the petitioners submits that the petitioners are in custody since 08.02.2020 and there has been no progress in the case and unnecessarily the petitioner is languishing in jail.

The learned advocate appearing for the State opposes the prayer for bail and submits that 15 litres of codeine mixture, 3 litres each from five accused persons including the petitioners, was recovered from the joint possession of

the petitioners and as such the same being of commercial quantity, the provisions of Section 37 of the N.D.P.S. Act are attracted and the petitioners are not entitled to be released on bail.

We have considered the materials on record and having regard to the quantum of contraband being seized as also the provisions of Section 37 of the N.D.P.S. Act, we are of the opinion that the petitioners are not entitled to be released on bail. As such, the petitioners' prayer for bail is **rejected**.

However, having regard to the fact that the petitioners are in custody for more than 13 months and there has been no progress in the case, the learned special court is directed to proceed with the case on a regular basis so that the trial can be concluded within a reasonable period of time.

The application for bail, being CRM 1383 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)