

17.08.2021
Court No.30
rpan /04

C.R.M. 1704 of 2020
With
CRAN 1 of 2020 [not found]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with N case no.83 of 2019 arising out of Swarupnagar P.S. Case no.376 of 2019 dated 26.05.2019 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Noor Hossain Gazi** *alias* **Nur & Anr.**
- Petitioners

Mr. Angshuman Chakraborty,
Mr. S. S. Saha
....for the petitioners.

Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Sahu
....for the State.

This is an application for bail on the ground of long incarceration suffered by the petitioners.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in this case and in the meantime, charge has not yet been framed resulting in protraction of the trial. In such conspectus, petitioners are entitled to bail.

Learned advocate for the State raises objection against the prayer for bail. It is submitted on behalf of the State that for the alleged recovery of contraband substance, above the commercial quantity, petitioners have been languishing in custody and their prayer for bail has been rejected by the learned court below in view of the rigour contained in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, the said Act).

The case is posted for consideration of charge before the learned court below.

Learned advocate for the State further submits that 13th August, 2021 was fixed for consideration of charge to mark the commencement of trial.

Heard the learned advocates for the respective parties and considered the materials on record.

Record reveals that by an order dated 16th April, 2021 passed in CRR 1067 of 2021, a Single Bench of this court has already passed an order directing the learned court below to make consideration of the charge either on the scheduled date, or if for any reasons whatsoever, the same could not be done, the charge may be framed within six weeks thereafter peremptorily with an aim to ensure expeditious disposal of the pending case within a reasonable period of time. The court below has already fixed date for consideration of charge.

That being the position, we are of considered view that the learned court below would show its all promptitude to ensure expeditious disposal of the case upon sensing the message contained in the order dated 16th April, 2021 passed in CRR 1067 of 2021.

Since there has been recovery of contraband substance, beyond the commercial quantity, we are not inclined to grant bail to the petitioners, bearing in mind the restriction imposed under Section 37 of the said Act.

Prayer for bail is considered and rejected.

The application for bail, being CRM No.1704 of 2020 and the connected application, being CRAN 1 of 2020 are dismissed.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)