

23. 09.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 2185 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Basirhat Police Station Case No. 30** dated **22.01.2018** under Section **21(C)** of the N.D.P.S. Act.

And

In the matter of: - **Shyamal Das**

....petitioner.

Mr. Satadru Lahiri

...for the petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta

...for the State.

The charge is under the provisions of the Narcotic Drugs and Psychotropic Substances Act. The Prosecution case is that commercial quantity of contraband was recovered from the possession of the petitioner.

The petitioner says that he has been in custody since January 21, 2018, i.e., for more than three and a half years. Only one out of nine witnesses has been examined. Several dates were fixed for recording evidence but the witnesses failed to turn up. There is no real likelihood of the trial concluding at an early date. The trial is being delayed by reason of total lack of diligence on the part of the Prosecution.

We have considered the facts and circumstances of the case and the material in the Case Diary. Given that commercial quantity of contraband was recovered from the possession of the petitioner, in view of the restriction in Section 37 of the N.D.P.S. Act, we are unable to accede to the petitioner's prayer.

The prayer for bail is, thus, **rejected**.

However, we request the learned trial Court to expedite the trial and bring the same to its conclusion as soon as possible and preferably within a period of one year from date without granting unnecessary adjournments to either of the parties.

Accordingly, the application for bail being C.R.M. 2185 of 2021 is disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)