

22.11.2021
Ct No. 28
D/L 2
ab/rrc

C.R.M. 2264 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Balurghat Police Station Case No. 228 of 2020 dated 07.07.2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drug and Psychotropic Substances Act.

In Re: **Sarikul Mahalat @ Abu**

... petitioner

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal

... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
Mr. Subham Bhakat

.... for the State

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Balurghat Police Station Case No. 228 of 202 dated 07.07.202 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drug and Psychotropic Substances Act.

Learned Advocate for the petitioner fairly submits that all the charge sheeted witnesses have already been examined at the instance of the prosecution and the

matter is pending at the stage of an exercise to be undertaken under Section 313 of the Code of Criminal Procedure. He fairly submits that the instant application for bail may be disposed of with a direction upon the learned Special Judge under the NDPS Act to complete the trial within a stipulated time.

Learned Advocate for the State concurs with the aforesaid submissions. He further corroborates that all the charge sheeted witnesses have been examined.

In view of the submissions advanced before us and the fact that all the charge sheeted witnesses have been examined and the matter is now pending at the stage of examination of the accused under Section 313 of the Code of Criminal Procedure, we do not think that the petitioner should be enlarged on bail at this stage. Accordingly, the prayer for bail is rejected.

However, the learned Special Judge under the NDPS Act, Dakshin Dinajpur at Balurghat is requested to fix a date for examining the accused under Section 313 of the Code of Criminal Procedure, which should not exceed beyond 15 days from the date of communication of this order. Thereafter, the Special Court shall fix a date for argument and an endeavour would be shown to dispose of the case within one month therefrom without granting any adjournment to either of the parties except necessitated by unforeseen circumstances.

The application for bail being **CRM 2264 of 2021** is
dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)