

29.06.2021
Court No.30
Item No. 45
Krishnendu
Bail Rejected

**CRM 2597 of 2020
(Via video Conference)**

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

And

In Re : Anowar Hossain Gazi

Petitioner

Mr. Satadru Lahiri

Mr. Safadar Azam

For the Petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Basirhat Police Station Case No. 1090 of 2019 dated 15.10.2019 under section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act .

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than one year eight months and there had been no substantial progress in the trial. Upon completion of investigation, charge sheet was filed on 31st October, 2019. A supplementary charge sheet was also filed belatedly and there is no possibility towards early conclusion of the trial. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Bardhan learned advocate appearing for the State opposes the petitioner's prayer for bail and submits that the delay, which has occasioned, is not attributable to the State. He

further submits that contraband substance, above commercial quantity, was seized from the possession of the petitioner.

We have heard the learned advocates appearing for the respective parties. It appears that contraband substance, above commercial quantity, was recovered from the possession of the petitioner and in view thereof, the provisions of section 37 of the N.D.P.S. Act are attracted and, as such, we are not inclined to exercise any discretion in favour of the petitioner at this stage. Accordingly, the petitioner's prayer for bail is rejected .

However, we direct the learned Court below to conclude the trial expeditiously without granting any unnecessary adjournments to either of the parties.

The application for bail, being CRM No. 2597 of 2020 is, thus, disposed of.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)