

29. 10.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 2839 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **19/03/2021** in connection with **Madhyamgram Police Station Case No. 700** dated **14/12/2018** under Sections **21/29** of the N.D.P.S. Act.

And

In the matter of: - **Habibur Rahman @ Laltu**

....petitioner.

Mr. Kamalesh Chandra Saha

...for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arijit Ganguly,
Mr. A. Bhattacharya

...for the State.

The petitioner has been charged under the provisions of the Narcotic Drugs and Psychotropic Substances Act. Five liters of codeine was recovered from him which is much above commercial quantity. His prayer for bail was rejected by a co-ordinate Bench by an order dated February 6, 2020.

The petitioner says that he has been in custody for 940 days. Evidence is yet to be recorded.

We have seen the material in the Case Diary and heard learned Counsel for the State. Since commercial quantity of contraband item is involved, in view of the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, we are not inclined to allow the petitioner's prayer for bail.

However, keeping in mind the fact that the petitioner has been in custody for 940 days, we hope and expect and accordingly, request the learned trial Court to expedite the trial

of this case to the extent the business of the Court may permit and bring the trial to a conclusion as soon as possible and preferably within a period of six months from date.

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

Accordingly, the application for bail being C.R.M. 2839 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.

Let a copy of this order be sent down to the learned trial Court by the Registry of this Court immediately upon compliance with all usual formalities.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)