

30. 10.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 2923 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23/03/2021** in connection with N.D.P.S. Case No.**78 of 2019** corresponding to **Chakdaha Police Station Case No. 363 of 2019** dated **04/08/2019** under Sections **21(C)/22(C)** of the N.D.P.S. Act.

And

In the matter of: - **Rakibullah Gazi @ Monpakhi**

....petitioner.

Mr. Abhra Mukherjee,
Ms. Anita Kundu,
Mr. Sauradeep Dutta

...for the petitioner.

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

...for the State.

The petitioner is in custody for about two years and fifteen days and renews his prayer for bail. His earlier prayer was rejected by a co-ordinate Bench of this Court on January 19, 2021 in C.R.M. 8285 of 2020. The petitioner says that charge-sheet has been submitted but trial has not commenced as yet.

Learned Counsel for the State refers to the Case Diary including statements of various witnesses and the seizure list.

It is not in dispute that narcotic substance above commercial quantity was recovered from the joint possession of the petitioner and others.

In view of the statutory restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, we are not inclined to allow the petitioner's prayer for bail.

Accordingly, the application for bail being C.R.M. 2923 of 2021 is **dismissed**.

However, in view of the protracted period of detention suffered by the petitioner, we request the learned trial Court to expedite the trial and bring the trial to a logical conclusion without granting unnecessary adjournments to either of the parties.

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.)