

27.09.2021
Court No.28
Item No.5
(REJECTED)
Saswata

CRM 3227 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Baduria Police Station Case No. 522 dated 09.11.2019 under Sections 20(C)/29 of the NDPS Act;

And

In the matter of : **Sahin Mondal**

...Petitioner.

Mr. Satadru Lahiri
Mr. Safdar Azam

...For the Petitioner

Mr. Rana Mukherjee
Ms. Sujata Das
Mr. Suman Saha

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Baduria Police Station Case No. 522 under Sections 20(C)/29 of the NDPS Act.

The commercial quantity of contraband is recovered from the joint possession of the co accused including the petitioner and he has been apprehended in connection with the aforementioned case.

It is submitted by the Learned Advocate for the petitioner that till date, the chemical examination report has not been collected by the prosecution and the trial has been delayed unnecessarily.

Learned Advocate for the State submits that after collecting the chemical examination report, the supplementary charge sheet has already been submitted on 28th May 2021.

From the respective submissions, it appears that the charge sheet and the supplementary charge sheet have been submitted, but the charges have not been framed, as yet.

According to the Learned Advocate for the petitioner, all the

charge sheeted witnesses are the police personnel and there is no difficulty in securing the presence to expedite the trial.

In view of the above, though we do not find any ground for taking exception to Section 37 of the NDPS Act, which disentitles the petitioner to be released on bail, yet we think that the trial must be expedited.

Accordingly, the prayer for bail of the petitioner is rejected.

Learned Special Judge under the NDPS Act is requested to fix a date for framing of the charge which should not exceed beyond 15 days from the date of communication of this order and, thereafter, shall expedite the trial of the case.

The application for bail being CRM 3227 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Bibek Chaudhuri,J.)