

06.12.2021
Court No.32
rpan / 06

CRM 3233 of 2021

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

And

In Re : **Ashim Das**

- Petitioner.

Mr. Satadru Lahiri,

Mr. Safdar Azam

... for the Petitioner.

Mr. Saibal Bapuli,

Mr. Arani Bhattacharyya,

Mr. Bibaswan Bhattacharya

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Swarupnagar Police Station Case No. 362 of 2020 dated 01.08.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Two co-accused persons have already been enlarged on bail. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about one year and four months, is not warranted, more so when, there is no possibility towards conclusion of the trial in the near future.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that contraband substance above commercial quantity was recovered from the

possession of the petitioner. One co-accused person is still absconding and in the said conspectus, the petitioner is not entitled to the relief as prayed for.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are incriminating materials against the petitioner and from his possession contraband substance above commercial quantity was recovered and as such, rigours of Section 37 of the NDPS Act are attracted. In view thereof, the petitioner's prayer for bail is refused at this stage.

We, however, direct the learned court below to take up the question for consideration of charges on the next date fixed and commence the trial immediately thereafter and conclude the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

The application for bail, being CRM No.3233 of 2021, is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)