

45. 23.09.2021

Ct.32

Tanmoy

Rejected

**C.R.M. 3318 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **12/04/2021** in connection with **N.D.P.S. Case No. 05 of 2020** under Sections **22(c)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Abu Taher**

...petitioner.

Mr. Sardar Amzad Ali, Ld. Sr. Adv.,  
Ms. Minoti Gomes,  
Ms. Manika Sarkar

...for the petitioner.

Mr. Sanjoy Bardhan,  
Mr. Pratick Bose

...for the State.

The petitioner had approached this Court twice before praying for bail. Both the times his prayer was rejected. Firstly, it was rejected on September 16, 2020 in C.R.M. 6624 of 2020. Then again, the prayer was rejected on December 7, 2020 in C.R.M. 9919 of 2020. The petitioner renews his prayer for bail.

Allegedly, commercial quantity of *yaba* tablets was recovered from the petitioner.

Mr. Ali, learned Senior Advocate appearing for the petitioner says that he has been languishing in jail for about 560 days. Although the co-ordinate Bench of this Court, in its order dated September 16, 2020, requested the learned trial Court to frame charge on October 5, 2020, which was the date fixed for framing of charges, the same has still not been done. He further stated that the chemical analysis report is not yet available.

Learned Advocate for the State points out that the chemical analysis report was submitted on July 30, 2020 and subsequently, charge-sheet was filed on August 24, 2020.

In view of commercial quantity of contraband being involved and in view of the statutory restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail.

Accordingly, the application for bail being C.R.M. 3318 of 2021 is **dismissed**.

However, we cannot lose sight of the fact that the petitioner has been in custody for a very long period of time. We direct the learned trial Court to expedite the consideration of charges and bring the trial to its logical conclusion at the earliest without granting unnecessary adjournments to either of the parties, preferably within a period of eight months from date.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**