

08.12.2021
Court No.32
Item No. 139
Krishnendu
Bail Rejected

C.R.M. 3392 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Gangarampur Police Station Case No. 226 of 2020 dated 12.07.2020 under sections 21(c)/22(c)/23(c)25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Special Case No. 47 of 2020).
And

In re: **Ajijur Rahaman @ Raja**

...Petitioner

Mr. Kaustuv Shome

... For the Petitioner

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

...For the State

The learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about one year five months and though charge sheet has been submitted, the chemical report is still awaited and as such there is no possibility towards early conclusion of trial. In the said conspectus, further detention of the petitioner is not warranted and the petitioner may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State, opposes the petitioner's prayer and submits that contraband substance, above commercial quantity, was recovered from the possession of the petitioner. Charge sheet has been submitted on 5th January, 2021 and that steps are being taken to obtain the chemical report and to submit the supplementary charge sheet.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Since contraband substance, above commercial quantity, has been recovered from the possession of the petitioner, the rigours of section 37 of the N.D.P.S. Act are attracted and as such the prayer for bail is refused at this stage.

The application for bail, being CRM No. 3392 of 2021, is, accordingly, dismissed.

However, it appears that though charge sheet has been submitted in the month of January, 2021, the chemical report is still awaited. In view thereof, this Court directs the prosecution to obtain the chemical report and to submit the supplementary charge sheet as expeditiously as possible, preferably within a month from date.

The learned Court below is also requested to take up the question of consideration of charges thereafter and commence trial immediately without granting any unnecessary adjournment to either of the parties.

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.)