

09.08.2021

CRM 4089 of 2021

Court No.28
Item No. PB - 27
nandy

(BAIL – REJECTED)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 14.06.2021 in connection with Khardah Police Station Case No. 294 of 2019 dated 05.04.2019 under Sections 21(c) of the Narcotic Drugs & Psychotropic Substances Act. (N. Case No. 56 of 2019)

and

In the matter of: **Suvendu Mondal @ Joy**

.....Petitioner

Mr. Subhajit Chowdhury, Advocate

.....for the Petitioner

Mr. Ranbir Roy Chowdhury, Advocate

Mr. Moinak Gupta, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with Khardah Police Station Case No. 294 of 2019 dated 05.04.2019 under Sections 21(c) of the Narcotic Drugs & Psychotropic Substances Act.

The petitioner after being apprehended while possessing 4.3 litres of Codine mixture on April 6, 2019, has come up with the instant application praying for bail.

It is submitted by the learned Advocate for the petitioner that charge-sheet was filed without the Chemical Examination Report. After about one year of submission of charge-sheet, supplementary charge-sheet was filed with Chemical Examination Report. Previously, the coordinate Bench of this Court directed the trial Court to dispose of the case within six months from the date of the order. However, the said order of the Court could not be complied with due to COVID pandemic. The accused is in custody for two years and four months. Moreover, the learned Advocate for the petitioner relies on an order passed by the coordinate Bench in CRM 3270 of 2021 dated June 2, 2021 to apprise this Court that on identical facts and circumstances, the coordinate Bench

granted bail to the accused in other case.

The learned Public Prosecutor has opposed the prayer for bail on the ground that evidence of the case is being proceeded with. The said submission, however, was refuted by the learned Advocate for the petitioner.

Having heard the learned Counsel for the parties, we find that there is no dispute on the point of recovery of 4.5 litres of condine mixture from the possession of the petitioner. It is only agitated that the trial of the case could not be completed as per the direction of this Court.

In view of the fact that commercial quantity of contraband were recovered from the accused and prima facie case has been filed on filing of the chargesheet, we are not inclined to release the petitioner on bail at this stage.

As such, the prayer for bail is **rejected**.

The application being **CRM 4089 of 2021** is accordingly **dismissed**.

However, the learned trial Judge is specifically directed to prepare a schedule within one month from the date of communication of this order and complete the recording of the evidence within eight months from that date and come to a logical conclusion of the case.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

