

16.08.2021

Court No.28
Item No.24
(REJECTED)

Saswata

CRM 4156 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Madhyamgram Police Station Case No. 470 of 2017 dated 28.08.2017 under Sections 20(b)(ii)/(C) of the NDPS Act;

And

In the matter of : **Himangsu Dutta**

...Petitioner.

Mr. Angshuman Chakraborty

...For the Petitioner

Mr. N. Ahmed, APP

Mr. N.P.Agarwala

Ms. Trina Mitra

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Madhyamgram Police Station Case No. 470 of 2017 under Sections 20(b)(ii)/(C) of the NDPS Act.

Indubitably, the commercial quantity of contraband was recovered from the exclusive possession of the petitioner and he is languishing in jail since 28th August 2017. It is further submitted that only one witness out of eight charge-sheeted witnesses has been examined and in view of the non-possibility of the completion of the trial, the petitioner should be released on bail.

Mr. Ahmed, learned Advocate for the State submits that out of eight charge-sheeted witnesses, four witnesses have already been examined and, therefore, the case has seen substantial progress.

Since, we do not find any ground for taking exception to Section 37 of the NDPS Act, the prayer for bail is **rejected**.

However, we request the learned Special Judge in the trial Court to expedite the trial of the case and all efforts shall be shown to bring

the case to its logical conclusion within 8 months from the date of communication of this order.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)