

CRM 5459 of 2021
(via video conferencing)

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

And

In Re : Suman Kundu

Petitioner

Ms. Sibangi Chattopadhyay
Mr. Sobhan Biswas

For the Petitioner

Mr. Antariksha Basu

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Uttarpara P.S. Case No. 300/20 dated 28.09.2020 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned advocate appearing for the petitioner submits that the petitioner had been falsely implicated and he is languishing in custody for about 438 days. There is also no possibility towards disposal of the matter in the near future. In the said conspectus, further detention of the petitioner is not warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draw our attention to several documents in the case diary. He further submits that upon completion of investigation, charge sheet as well as the supplementary charge sheet along with the chemical report have already been submitted and next date has been fixed on 16th December, 2021 for consideration of the charges.

It appears that contraband substance above the commercial quantity has been recovered from the possession of the petitioner and as such, the rigors of Section 37 of the NDPS are attracted.

In view thereof, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

The application being CRM 5459 of 2021 is dismissed.

The learned Court below is requested to take up the question of consideration of charges on the next date without granting any unnecessary adjournment and commence trial immediately thereafter, if charges are framed and conclude the same as expeditiously as possible.

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)