

29.11.2021
Item no.26
Court No.32
Avijit Mitra

C.R.M. 6065 of 2021 (through video conference)

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

And

In Re : Amiruddin

.... petitioner

Mr. Shahnawaz Alam

....for the petitioner

Mr. S.S. Imam,

Mr. S. Kundu

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Islampur Police Station Case No.866 of 2020 dated 26.11.2020 under sections 21(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Alam, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for about 360 days and there is no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that there had been recovery of contraband substance above commercial quantity from the

possession of the petitioner and in view thereof, the rigors of Section 37 of the N.D.P.S. Act are attracted and the petitioner's application is liable to be rejected.

Having heard the learned advocates appearing for the parties and considering the materials in the case diary and the fact that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner, we are of the opinion that the rigors of Section 37 of the N.D.P.S. Act are attracted and as such his prayer for bail is rejected.

However, the learned Court below is requested to take up the question of framing of charges on the next date without granting any unnecessary adjournment to the parties and commence the trial immediately thereafter.

With the above observations and directions, the application for bail being C.R.M. No.6065 of 2021 is disposed of.

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.)