

08.12.2021

Court No.32

rpan / **164**

C.R.M. 6081 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari Police Station Case no.20 of 2020 dated 20.01.2020 under Sections 21(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Asim Das @ Ashit**

- Petitioner.

Mr. Arindam Jana,
Mr. Soumajit Chatterjee
....for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De
....for the State.

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has already suffered long incarceration for 688 days and there is also no possibility towards early conclusion of trial. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Banerjee, learned advocate appearing for the State opposes the bail prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioner. Upon completion of investigation charge sheet has been submitted and charges have also been framed. There are 14 witnesses.

Heard the learned advocates and considered the materials in the case diary.

It appears that contraband substance, above the commercial quantity, was recovered from the possession of the petitioner. As such, the rigours of Section 37 of the NDPS Act are attracted. In view thereof, we are not inclined to exercise any discretion in favour of the petitioner. His prayer for bail is, thus, rejected at this stage.

The application for bail, being CRM 6081 of 2021 is dismissed.

Mr. Jana has expressed his anguish and inconvenience as regards the delay in the progress of trial.

We take notice of such issue and direct the learned court below to expeditiously conduct the trial, if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of this case may be reached at the earliest, preferably within a period of six months from the date of communication of this order.

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.)