

**21.12.2021**

Court No.32

rpan / **241**

**C.R.M. 6238 of 2021**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case no.237 of 2018 dated 16.06.2018 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Munna Roy**

- Petitioner.

Mr. Prasenjit Debnath

....for the petitioner.

Mr. Sujata Das

....for the State.

Mr. Debnath, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 3 years and 180 days and there is also no possibility towards early conclusion of trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that trial is in progress. Two charge-sheeted witnesses have been examined. The next schedule has been fixed on and from 2<sup>nd</sup> March – 4<sup>th</sup> March, 2022 for examination of other witnesses. Let the report, as produced, be kept on record.

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

*Prima facie*, it appears that contraband substance, above commercial quantity, was recovered from the possession of the

petitioner and in view thereof, the rigours of Section 37 of the NDPS Act are attracted. As such, the petitioner's prayer for **bail is refused** at this stage.

However, Mr. Debnath has expressed the petitioner's 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 without granting any unnecessary adjournment to either of the parties and 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.

With the aforesaid observations, the application for bail, being CRM No. 6238 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.)**