

CRM No.6321 of 2021
(Via video conference)

29.11.21

(S.R.)
Sl.46
Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Basirhat** Police Station Case No.1334 of 2019 dated 26.11.2019 under Sections 21(c) of the NDPS Act;

And

In re: Prasanta Dutta @ Tojo

... petitioner.

Mr. Mrityunjay Chatterjee
Ms. Debapriya Majumder

... for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 2 years and there is no possibility towards early conclusion of the trial. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner. As such, the application needs to be dismissed at this stage.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, the rigours of Section 37 of the NDPS are attracted. In view thereof, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is rejected at this stage. However, it has been brought to our notice that though charges have been framed but trial has not yet commenced and

that, there are seven witnesses.

Since the petitioner has expressed his anguish and inconvenience, as regards the delay in the progress of the trial, we take notice of such issue and request the learned court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under Section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest. In doing such exercise, the learned court below would be free to fix consecutive dates for examination with the witnesses cited in the charge sheet and conclude the trial as expeditiously as possible preferably within six months without granting any unnecessary adjournment to the parties.

The application for bail being CRM No.6321 of 2021 is, accordingly, dismissed.

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.)