

21.12.2021
Court No.32
Item No. 245
Tanmoy
Bail Rejected

**C.R.M. 6326 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Balurghat Police Station Case No. 211/2020 dated 25.06.2020 under section 21(c)/ 22(c)/27A/27B/29 of the N.D.P.S. Act, 1985. (N.D.P.S. Case No. 38/2020).

And

In re: **Hajikul Sk**

...Petitioner.

Ms. Pramita Banerjee

... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

...For the State.

Ms. Banerjee, learned advocate appearing for the petitioner submits that the petitioner's prayer was last rejected on December 4, 2020 and subsequent thereto, there had been no progress in the trial. In view of long incarceration for about one year and six months, the petitioner may be enlarged on bail on any stringent condition, more so, when a co-accused person had already been granted bail by a co-ordinate Bench of this Court and since upon completion of investigation, charge-sheet as well as the supplementary charge-sheet with the chemical report has been submitted.

Mr. Banerjee, learned advocate appearing for the State, opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioner and the co-accused person who

has been granted bail, is not similarly situated with the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials on record. Since contraband substance above commercial quantity was recovered from the possession of the petitioner, we are of the opinion that the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are attracted. As such, the petitioner's prayer for bail is refused at this stage.

However, the learned Court below is directed to take expeditious steps towards early conclusion of the trial, if charges are framed, without granting any unnecessary adjournment to either of the parties.

The application for bail, being CRM No. 6326 of 2021, is, accordingly, 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.)