

CRM No.6674 of 2021

**Via video conference**

06.12.21

(S.R.)

Sl.12

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Baduria** Police Station Case No.310 of 2020 dated 15/06/2020 under Section 21(c) of the NDPS Act (Corresponding Case No.N128 of 2020);

And

**In re: Ali Hasan Sardar @ Ali Hassaion Sardar**

**... petitioner.**

Mr. Pronojit Roy

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 539 days and there is also no possibility towards conclusion of trial in the near future. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary and since contraband substance above commercial quantity was recovered from the possession of the petitioner, we are of the opinion that the rigours of Section 37 of the NDPS are attracted and as such, the petitioner's prayer for bail is refused at this stage more so when there has been no substantial change in the circumstances subsequent to last rejection of the petitioner's prayer for bail on 15<sup>th</sup> February, 2021.

It appears from the averments made in the present application that the supplementary charge sheet has already been filed along with the chemical report.

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 preferably within a period of six months from the date of communication of this order, without granting any unnecessary adjournment to either of the parties.

Accordingly, the application for bail being CRM No.6674 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.)**