

18.11.2021

CRM 7391 of 2021

Court No.28
Item No.17
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.11.2021 in connection with Raninagar Police Station case No. 88 dated 09.02.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 42 of 2019);
And

In the matter of : **Masadul Islam and another.**

...Petitioners.

**Mr. Navanil De,
Ms. Ayantika Roy.**

...For the Petitioners.

**Mr. Tapandeb Nandy,
Mr. Antarikhya Basu.**

... For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Raninagar Police Station case No. 88 dated 09.02.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

The contrabands above the commercial quantity, which is 200 bottles of phensedyl, were recovered from the joint possession of the petitioners. The petitioners are in custody for nearly 2 years 8 months and there is no possibility of commencement of trial in near future.

Learned Advocate for the State opposes the prayer for bail and submits that the commercial quantity of contrabands were recovered

from the joint possession of the petitioners and after submission of charge-sheet the schedule for recording the evidence has also been fixed and, therefore, there is a possibility of not commencing of trial but the disposal can also be secured on an expeditious basis.

After hearing the respective Counsels and on perusal of the materials on record including the fact that the commercial quantity of contrabands were recovered from the joint possession of the petitioners, we are of the view that the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act is attracted.

The application for bail being CRM 7391 of 2021 is, thus, ***rejected.***

It further transpires that the schedule for recording the evidence of charge-sheeted witnesses have been fixed on and from 2nd December 2021 and, therefore, we expect that the prosecution shall secure the presence of the aforesaid witnesses before the Special Court and the learned Judge, Special Court under the Narcotic Drugs and Psychotropic Substances Act, Berhampore, Murshidabad, is requested to expedite the trial of the case so that it can be brought to its logical conclusion at an earliest.

(Harish Tandon, J)

(Rabindranath Samanta,J.)