

22.11.2021

Court No.28
Item No.20
(REJECTED)

Saswata

CRM 7447 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagda Police Station Case No. 25 of 2021 dated 11.01.2021 under Section 21 (C) of the NDPS Act;

And

In the matter of : **Sarifuddin Biswas & Anr.**

...Petitioners

Mr. Anghsuman Chakraborty
Mr. Shashanka Shekhar Saha

...For the Petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagda Police Station Case No. 25 of 2021 under Section 21 (C) of the NDPS Act.

Contraband above the commercial quantity were recovered from the joint possession of the petitioners at the time of interception by the Special Team. Subsequently, sample was sent to the forensic laboratory. The test report has come and in fact, a supplementary charge sheet was submitted by the prosecution.

Learned advocate for the State informs that after the submission of the main charge sheet and the supplementary charge sheet, the charges have already been framed.

Since, the commercial quantify of contraband was recovered from the joint possession of the petitioners, they are not entitled to be enlarged on bail because of the rigor of Section 37 of the NDPS Act.

Hence, the prayer for bail of the petitioners is ***rejected***.

After the framing of charge sheet, there is no impediment in

commencement of the trial. We, therefore, request the Learned Judge, Special Court under the NDPS Act to fix a date for recording evidence of the charge sheeted witnesses and efforts shall be shown to bring the case to its logical end within one year from the date of communication of this order.

The application for bail being CRM 7447 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)