

06.12.2021
Court No.32
Item No. 50
Avijit Mitra

C.R.M. 7579 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Ferdos Ali

Petitioner

Mr. Debasis Ghosh,
Mr. Nilanjan Adhikari,
Mr. S. Roy

For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hogalberia P.S. Case No. 44 of 2020 dated 24.03.2020 under sections 20(II)(c) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. One co-accused person has already been granted anticipatory bail by a Coordinate Bench of this Court. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for more than 600 days, is not warranted.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that contraband

substance above commercial quantity was recovered from the exclusive possession of the petitioner and as such, his prayer needs to be refused.

Having heard the learned advocates appearing for the respective parties 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 the rigors of Section 37 of the N.D.P.S. Act are attracted in the present case and he is not entitled to the relief, as prayed for, more so when, there had been no substantial change in the circumstances subsequent to last rejection of the petitioner's prayer for bail on 4th February, 2021.

In view thereof, the application for bail, being CRM No.7579 of 2021, is dismissed.

However, the learned Trial Court is requested to take up the question of framing of charges and commence trial immediately thereafter and conclude the trial as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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)