

06.12.2021
Court No.32
Item No. 53
Avijit Mitra

C.R.M. 7589 of 2021

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

And

In Re : Deben Barman

Petitioner

Ms. Bushra Khatoon

For the Petitioner

Ms. Sujata Das

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat P.S. Case No. 378 of 2020 dated 01.10.2020 under sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 1 year 31 days and there is no possibility towards conclusion of the trial in the near future. Upon completion of investigation chargesheet has also been submitted. In the said conspectus, further detention of the petitioner is not warranted.

The 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. In view thereof, the petitioner is not entitled to the relief, as prayed for.

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 as such, petitioner's prayer for bail is refused at this stage, more so when, there had been no substantial change in the circumstances subsequent to last rejection of the petitioner's prayer by a Coordinate Bench of this Court on 30th June, 2021.

Accordingly, the application for bail, being CRM No.7589 of 2021, is disposed of.

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)