

13.12.2021
Court No.32
Item No. 34
Avijit Mitra

C.R.M. 7736 of 2021

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

And

In Re : Ratan Kumar Das

Petitioner

Mr. Prabir Majumder

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 Karimpur Police Station Case No. 1 of 2020 dated 04.01.2020 under sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for about 2 years and there is no possibility towards early conclusion of the trial. Accordingly, the petitioner should be enlarged on bail on any stringent condition.

Ms. Das, 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 and as such, the rigors of Section 37 of the N.D.P.S. Act are attracted.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The statutory restrictions are attracted since contraband substance above commercial quantity was recovered from the possession of the petitioner. Considering the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such his prayer for bail is refused at this stage.

In view thereof, the application for bail, being CRM No.7736 of 2021, is dismissed.

We have been informed that charges have already been framed. In view thereof, the learned Court below shall 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.

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)