

20.12.2021
Court No.32
Item No. 35
Avijit Mitra

C.R.M. 7853 of 2021

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

And

In Re : Bidhan Mondal

Petitioner

Mr. Satadru Lahiri

For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Basirhat Police Station Case No. 1116 of 2017 dated 26.11.2017 under sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since 26th November, 2017. Chargesheet has been submitted on 20th January, 2018 and the supplementary chargesheet was submitted thereafter on 14th March, 2018. Thereafter there had been no substantial progress in the trial. There are 11 witnesses and out of them 10 witnesses are police personnel and one is the chemical examiner. The next date is fixed on 17th January, 2022. In view of the long detention and as there is no possibility towards early conclusion of the trial the petitioner may be enlarged on bail on any stringent condition.

Mr. De, learned advocate appearing for the State does not dispute the fact that 10 witnesses are police personnel and the

other witness is the chemical examiner. He further submits that the delay which had occurred towards conclusion of the trial is not totally attributable to the State.

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

Prima facie, it appears 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. Considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

However, Mr. Lahiri strongly argued that the petitioner is languishing for a substantial period of time and there had been no progress in the trial. We take notice of such issue and direct the learned Court below to 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 eight months from the date of communication of this order.

With the above observations and directions, the application for bail, being CRM No.7853 of 2021, is disposed of.

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)

