

25.01.2021

Item no.25
Court No.28
Avijit Mitra

C.R.M. 9581 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Cossipore Police Station Case No.245 of 2018 dated 16.10.2018 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

**In Re : Sk. Hafizul @ Hafijul Rahaman @ Sk.
Hafizul Rahaman**

.... petitioner

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh

....for the petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 2 years 4 months and the investigating agency has unnecessarily exaggerated the weight of the contraband so seized which has effected the permissible limit of commercial quantity as provided under the N.D.P.S. Act.

Learned advocate further submits that the chemical examiner is also in confusion in view of the observation so made. Additionally on the ground of long detention, the petitioner prays for bail.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to

certain relevant issues relating to progress of the trial. In this case there are ten witnesses, out of them four have been examined. Mr. Sur also files memo of evidence which reflects the antecedents of the present petitioner. Let memo of evidence, as produced, be kept on record.

We have taken into account the materials available in the case diary and the manner in which the petitioner has conducted himself previously. Having regard to the antecedents of the petitioner and *prima facie* materials appearing against him in the case diary that commercial quantity of contraband has been seized, we are of the opinion that Section 37 of the N.D.P.S. Act is attracted and as such the prayer for bail of the petitioner is rejected.

However, the learned Trial Court is directed to expedite the progress of the trial and take the same to its conclusion within a reasonable period of time.

Accordingly, the application being C.R.M. No.9581 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)