

04.02.2021
Item no.15
Court No.28
Avijit Mitra

C.R.M. 10879 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bongaon Police Station Case No. 698 of 2019 dated 18.09.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : Alauddin Mallick

.... petitioner

Mr. Shashanka Sekhar Saha

....for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Saryati Dutta

... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 1 year and 5 months and there has been no progress in the case although initial chargesheet was submitted long back. Additionally learned advocate submits that the petitioner undertakes to abide by any stringent condition imposed by this Court.

Learned advocate appearing for the State opposes the prayer for bail and submits that above commercial quantity (4.3 litre) of contraband were seized from the possession of the petitioner and the chemical examiner's report had already been submitted by way of supplementary chargesheet before the learned Special Court.

We have taken into account the materials on record and the fact that the seizure was above commercial quantity and from the possession of the petitioner. That being the scenario the provisions of Section 37 of N.D.P.S. Act are attracted and as such the petitioner is not entitled to be released on bail.

However, it has been submitted by the learned advocate for the petitioner that the date is fixed on 10th February, 2021 for supply of copies. In case, the prosecution is able to supply copies on the said date, the learned Court would fix a date for consideration of charge and then proceed with the trial of the case and arrive at a conclusion within a reasonable period of time.

With the above observation, the application being C.R.M. 10879 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)