

CRM No.10973 of 2020

02.02.21 In re: An application for bail under Section 439 of the Code of Criminal Procedure
(S.R.) filed in connection with **Basirhat** Police Station **Case No.125 of 2019** dated
Sl.21 **04.02.2019** under Section 21(c) of the Narcotic Drugs and Psychotropic Substance
Ct.28 Act;

And

In re: Nasir Sardar

... petitioner.

Mr. Prabir Banerjee

... for the petitioner.

Mr. Binay Panda

Mr. Subham Bhakat

...for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for 700 (seven hundred) days and although charge has been framed but not a single witness was examined for a considerable period of time. Additionally, the learned advocate submits that the petitioner would abide by any condition imposed by this Court in case he is granted bail.

Learned advocate for the State opposes the prayer for bail and submits that commercial quantity of contraband was seized from the exclusive possession of the petitioner and as such, he is not entitled to be released on bail.

We have taken into account the materials appearing in the case diary and the fact that the commercial quantity of contraband was seized from the possession of the petitioner, we are of the opinion that the petitioner has not been able to overcome the hurdle of Section 37 of the NDPS Act and as such, he is not entitled to be released on bail at this stage.

Accordingly, the application for bail being CRM No.10973 of 2020 is rejected.

The learned Trial Court is directed to expedite the progress of the case by not granting any unnecessary adjournment to either of the parties.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)