

08.04.2021  
Item no.25  
Court No.28  
Avijit Mitra

C.R.M. 11189 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Lalgola Police Station Case No.01 of 2020 dated 01.01.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;  
And

**In Re : Habibur Rahaman** .... Petitioner

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,  
Mr. Tapodip Gupta

...for the petitioner

Ms. Sukanya Bhattacharya,  
Md. Kutubuddin

...for the State

Mr. Bhattacharya, learned senior advocate appearing for the petitioner submits that although the petitioner is languishing in custody for more than 1½ years, till date, there has been no progress in the case and as such he should be released on bail.

Learned advocate appearing for the State submits that the investigation of the case has been concluded and thereafter the chemical examiner's report had been submitted before the learned Special Court by way of supplementary chargesheet.

Having regard to the fact that the contraband so seized from the petitioner is of commercial quantity and the provisions of section 37 of the N.D.P.S. Act are attracted and the petitioner is not entitled to be released on bail. Accordingly, the petitioner's prayer for bail is rejected.

However, we find that the petitioner is in custody for more than one year four months and it has been submitted that the charge is yet to be considered by the learned Trial Court.

In view thereof, the learned Special Court is directed to ensure smooth conduct of trial and to fix schedule of dates at least once two months, after the next date so fixed, so that the trial of the case can be taken to its logical conclusion.

With the aforesaid observations, the application being C.R.M. No.11189 of 2020 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Tirthankar Ghosh, J.)**

**(Soumen Sen, J.)**