

CRM(NDPS) No.34 of 2022

Via video conference

18.02.22

(S.R.)

Sl.09

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Narendrapur** Police Station Case No.68 of 2019 dated 13/01/2019 under Section 21(C) of the NDPS Act (corresponding to NDPS Case No.07 of 2019);

And

In re: Rakib Uddin Gayen @ Hobi

... petitioner.

Mr. Bapin Baidya

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Mr. Baidya, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than three years. Upon completion of investigation charge sheet has been submitted and there is no possibility towards conclusion of the trial in the near future. Till date only one witness out of a total of twelve witnesses has been examined. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list and other materials in the case diary.

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

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, the statutory restrictions are clearly attracted. In view thereof, the petitioner's prayer for bail is refused at this stage.

However, this Court directs 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, without granting any unnecessary adjournment to either of the parties.

The application for bail being CRM(NDPS) No.34 of 2022 is, accordingly, 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.)