

18.02.2022
Court No.32
Item No. 18
Avijit Mitra

C.R.M.(NDPS) No.55 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Moula Mondal

Petitioner

Ms. Sanjida Sultana

For the Petitioner

Mr. Swapan Banerjee,
Mr. Suman De

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hili Police Station Case No.148 of 2020 dated 01.12.2020 under section 21(C)/22(C)/23(C)/27(A) of the N.D.P.S. Act.

The learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 450 days and there is no possibility towards conclusion of trial in the near future. He has been falsely implicated and in the said conspectus he may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the seizure list. He further submits that the FSL report is still awaited.

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, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused, at this stage.

However, the prosecution is directed to take immediate steps to obtain the FSL report and the learned Court below is also requested to take up the issue of consideration of charges immediately thereafter without granting any unnecessary adjournments to either of the parties.

The application for bail, being CRM (NDPS) No.55 of 2022, is 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)