

Via video conference

25.02.22

(S.R.)

Sl.08

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **North Port** Police Station Case No.73 dated 03/08/2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act;

And

In re: Sk. Jahangir

... petitioner.

Mr. Satadru Lahiri

... for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for three and half years and there is no possibility towards conclusion of the trial in the near future, as out of eight witnesses only one had been examined.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the joint possession of the petitioner and another co-accused person. He further submits that the delay towards conclusion of the trial is not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemics.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that contraband substance above commercial quantity was recovered from the joint possession of the petitioner and another co-accused person and as such, the statutory restrictions are attracted. In view thereof, we are not inclined to exercise discretion in favour of the petitioner and his prayer for bail is refused at this stage.

Mr. Lahiri, however expresses the petitioner's anguish and

inconvenience, as regards the delay in the progress of the trial. We take notice of such issue and request 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, preferably within a period of eight months from the date of communication of this order.

The application for bail being CRM(NDPS) No.56 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.)