

21.02.2022

Court No.32
rpan / 13

CRM (NDPS) 84 of 2022

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

And

In Re. : **Minajul Haque @ Manajul Haque**
- Petitioner

Mr. Aniket Mitra
... for the Petitioner.

Mr. Ranadeb Sengupta
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sagarpara Police Station Case No. 136 of 2020 dated 11.11.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case no.257 of 2020].

Mr. Mitra, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 465 days and there is no possibility towards early conclusion of the trial. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been no substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail on 29th

September, 2021. Contraband substance above commercial quantity was recovered from the possession of the petitioner.

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

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, the statutory restrictions are attracted. We also do not find any substantial change in the facts and circumstances of the case subsequent to rejection of the petitioner's earlier prayer for bail on 29th September, 2021. In view thereof, we are not inclined to exercise our discretion in favour of the petitioner and his prayer for bail is rejected at this stage.

However, we have been informed that date has been fixed before the learned court below for framing of charges. In the event, charges are framed, the learned trial court shall expeditiously conduct the trial and conclude the same without granting any unnecessary adjournments to either of the parties and preferably within a period of eight months from the date of communication of this order.

The application for bail, being CRM (NDPS) 84 of 2022 is, thus, 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.)