

Via video conference

21.02.22

(S.R.)

Sl.24

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Karimpur** Police Station Case No.188 of 2020 dated 17/08/2020 under Sections 21(c) of the NDPS Act;

And

In re: Romjan Mondal @ Gajen & Anr.

... petitioners.

Mr. Sagnik Mukherjee

... for the petitioners.

Mr. Ranadeb Sengupta

...for the State.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. They are languishing in custody for more than 550 days and there is no possibility towards conclusion of the trial in the near future.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioners' prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioners and as such, the statutory restrictions are attracted. Answering our query, he submits that the FSL report has already been obtained and the supplementary charge sheet has also been filed.

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

As there had been recovery of contraband substance above commercial quantity from the possession of the petitioners, the statutory restrictions are attracted and in view thereof, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for bail is refused at this stage.

However, the learned court below is directed to take up the question of consideration of charges on the next date fixed and, if

charges are framed, the learned court below shall commence the trial immediately thereafter and conclude the same as expeditiously as possible, without granting any unnecessary adjournment to either of the parties.

The application for bail being CRM(NDPS) No.97 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.)