

21.02.2022
Court No.32
Item No. 45
Avijit Mitra

C.R.M. (NDPS) No.124 of 2022

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

And

In Re : Mofijul Miya @ Nadda & ors.

Petitioners

Mr. Mrityunjoy Chatterjee

For the Petitioners

Mr. Sanjay Bardhan,
Mr. Baishakhi Chatterjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nischinda Police Station Case No.114 of 2021 dated 09.07.2021 under sections 21(b)(ii)(c)/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chatterjee, the learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated and are languishing in custody for more than 221 days and there is also no possibility towards early conclusion of trial in the near future and in view thereof, they may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioners' prayer and submits that three cars were intercepted and in total 21.9 kgs. of ganja were recovered and one of the cars was being driven by the petitioner no.1 in which petitioner no.2 was travelling.

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

It appears that offence pertains to contraband substance above commercial quantity and as such, the statutory restrictions are attracted. In view thereof, the prayer for bail of the petitioners is refused, at this stage.

Answering our query Mr. Bardhan submits that chargesheet along with the chemical report has already been submitted.

In view thereof, learned Court below is directed to take up the issue of consideration of charges on the next date without granting any unnecessary adjournment to either of the parties. If charges are framed, the learned Court below shall conduct the trial expeditiously so that same may be concluded as early as possible.

The application for bail, being CRM (NDPS) No. 124 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)