

28.02.2022

Court No.32

rpan / 17

C.R.M. (NDPS) 137 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case no.15 of 2020 dated 09.01.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 **[NDPS case no.07 of 2020];**

And

In Re : **Subrata Nayek @ Subrata Kumar Nayek & Another**

- Petitioners.

Ms. Minoti Gomes,

Mr. Jisan Iqubal Hossain

... for the petitioners.

Mr. Sanjoy Bardhan,

Mr. Nirmal Chandra Majhi

... for the State.

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 joint possession of the petitioners and other co-accused persons. As such, the statutory restrictions are attracted. In view thereof, we are not inclined to exercise any discretion in favour of the petitioners and their prayer for bail is refused at this stage.

However, Ms. Gomes, learned advocate appearing for the petitioners expresses her anguish and inconvenience as regards the delay in progress of trial and submits that the petitioner has already suffered long incarceration for more than two years.

Answering our query, Mr. Bardhan submits that out of eleven witnesses three witnesses have been examined.

In view thereof, the learned court below is directed to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of this case may be reached at the earliest preferably within a period of six months from the date of communication of this order.

With the aforesaid observations, the application for bail, being CRM (NDPS) 137 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.)