

CRM (NDPS) 214 of 2022
(via video conference)

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

And

In Re : Avijit Kar @ Babai @ Abhijit Kar @ Babay Kar
.....Petitioner

Ms. Minoti Gomes
.....for the Petitioner

Mr. Neguive Ahmed, Ld. APP
Mr. Saryati Dutta
.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Berhampore P.S. Case No. 632/2021 dated 26.06.2021 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody about 250 days and there is no possibility towards conclusion of the trial in the near future.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that the petitioner had direct nexus with the alleged offence which pertains to recovery of contraband substance above commercial quantity and as such, statutory restrictions are attracted. Answering our query, he submits that upon completion of investigation charge sheet has been submitted.

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

Records reveal that the petitioner's prayer was earlier rejected by a co-ordinate Bench of this Court on 20th December, 2021. We do not find any substantial change in the circumstances subsequent to last rejection of his prayer for bail. The dispute attracts the statutory restrictions and as such the petitioner's prayer for bail is refused at this stage.

The application CRM (NDPS) 214 of 2022 is, accordingly, dismissed.

The learned trial Court is, however, directed to take up the issue of consideration of charges on the next date, without granting any unnecessary adjournment to either of the parties. In the event the charges are framed, the learned trial Court shall take expeditious steps to conclude the trial at the earliest.

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.)