

07.03.2022
Court No.32
Item No. 11
Avijit Mitra

C.R.M. (NDPS) No.216 of 2022

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

And

In Re : Rabiul Islam & anr.

Petitioners

Ms. Nasreen Islam

For the Petitioners

Mr. Sanjoy Bardhan,
Ms. Pritha Paul

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Suti Police Station Case No. 247 of 2020 dated 06.06.2020 under sections 21(c)/29 of the N.D.P.S. Act.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the supplementary chargesheet and the FSL report.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioners. As such, statutory restrictions are clearly 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.

Learned advocate appearing for the petitioners submits that the petitioners are languishing in custody for more than 600 days and there is no possibility towards conclusion of the trial in the near future.

It appears from the records that after obtaining the FSL report supplementary chargesheet has already been filed. In view thereof, learned Court below is requested to take up the issue of consideration of charges on the date fixed, without granting any unnecessary adjournments to either of the parties. In the event charges are framed, the learned Trial Court shall expedite the trial and take steps to conclude the same at the earliest.

Accordingly, the application for bail, being CRM (NDPS) No.216 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)