

CRM 7174 of 2021
(via video conference)

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

And

In Re : Soumajit Nandi

.....Petitioner

Mr. Satadru Lahiri

.....for the Petitioner

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Basirhat P.S. Case No. 769 dated 03.08.2019 under Section 21(C) of the NDPS Act.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and in view thereof, the rigors of Section 37 of the NDPS Act are attracted. On the said factual matrix, the petitioner's prayer for bail was rejected earlier on 14th December, 2020 with a direction upon the learned trial Court to proceed with the matter with utmost expedition.

Mr. Lahiri, learned advocate appearing for the petitioner submits that inspite the specific direction contained in the order dated 14th December, 2020 there had been no substantial progress in the trial.

Mr. Bardhan, learned advocate appearing for the State however, submits that out of total nine witnesses, two have

already been examined and the next schedule has been fixed on 9th March, 2022 and 10th March, 2022 and it is expected that the trial would be concluded in the near future subject to functioning of the Court in this present pandemic situation. Let the report, as filed, be kept on record.

Having heard the learned advocates appearing for the respective parties and considering the stage of the trial, we are not inclined to exercise discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

However, the learned trial Court is directed to proceed with the trial expeditiously without granting unnecessary adjournment to either of the parties and to conclude the same as early as possible, preferably within a period of eight months from the date of communication of this order.

With the above observation, the application being CRM 7174 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)