

CRM 7703 of 2021
(via video conference)

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

And

In Re : Bharat Sarkar @ Varat Sarkar

.....Petitioner

Mr. Mazahar Hossain Chowdhury

.....for the Petitioner

Mr. Y. J. Dastoor

Mr. Uttam Basak

.....for the NCB

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with NCB Crime No. 33/NCB/KOL/2016 dated 01.09.2016, violation of provision of Sections 8/12 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and liable for punishment under Sections 21(c)/22(c)/24/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than five years. There is also no possibility towards conclusion of the trial in the near future. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Dastoor, learned Additional Solicitor General appearing for the Narcotic Control Bureau submits, upon instruction, that the trial has reached the stage of examination of accused person under Section 313.

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

Considering the seriousness of the offence and the stage of trial, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused.

The application CRM 7703 of 2021 is, accordingly, dismissed.

However, the learned Court below is directed to conclude the trial as expeditiously as possible preferably within a period of two months from the date of communication of this Court.

The Registrar (Administration) is directed to immediately communicate this order to the learned Court below.

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.)