

19.01.2022

Court No.32

rpan / **268**

C.R.M. 7754 of 2021

[through Video Conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case no.44 of 2021 dated 15.03.2021 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Sk. Selim** *alias* **Sk. Salim**

- Petitioner.

Mr. Kallol Mondal,

Mr. Arindam Sen,

Mr. Sourav Basu

... for the petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta

... for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since 15th March, 2021 and there is no possibility towards conclusion of the trial in the near future. The petitioner is suffering from various ailments and his wife also expired on 5th December, 2021, leaving behind two minor children. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been recovery of contraband substance above commercial quantity from the petitioner's possession. The chemical examiner's report has already been obtained and the supplementary charge sheet would be filed soon and in view of the statutory restrictions, the petitioner is not entitled to the relief as prayed for.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner. As such, rigours of Section 37 of the NDPS Act are attracted. In view thereof, we are not inclined to exercise discretion in favour of the petitioner. As such, his prayer for bail is rejected at this stage.

Mr. Mondal has, however, expressed his anguish and inconvenience as regards the delay which has occurred.

We take notice of such issue and direct the learned court below to consider the charges, without granting any unnecessary adjournment to either of the parties and if charges are framed, to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion may be reached at the earliest.

With the aforesaid observations, the application for bail, being CRM No. 7754 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.)