

CRM No.7908 of 2021

Via video conference

23.02.22

(S.R.)

Sl.206

Ct.32

Rejected

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Beniapukur** Police Station Case no.53 dated 05.02.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In re: Md. Ismail

... Petitioner.

Mr. Joy Chakraborty
Mr. Sandip Dinda

... for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi
Mr. Sourav Chatterjee

... for the State

Mr. Chakraborty, learned advocate for the petitioner submits that the petitioner is languishing in custody for more than two years. He has been falsely implicated and in the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State submits that contraband substance above commercial quantity was recovered from the exclusive possession of the petitioner. Answering our query, he submits that out of total seven witnesses six have been examined. In view of such stage of the proceedings, the petitioner is not entitled to the relief, as prayed for.

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

It appears that contraband substance above commercial quantity had been recovered from the exclusive possession of the petitioner and as such, the statutory restrictions are clearly attracted. Records further reveal that the petitioner's prayer was earlier rejected twice by different Coordinate Benches of this Court, lastly on 28th April, 2020. We do not find any substantial change in the circumstances subsequent to last

rejection of the petitioner's prayer for bail. In view thereof and considering the stage of the proceedings, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

However, the learned court below is directed to expeditiously conduct the trial and conclude the same as early as possible, preferably within a period of three months from the date of communication of this order.

The application for bail, being CRM No.7908 of 2021 is, accordingly, 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.)