

CRM No.8077 of 2021

Via video conference

09.02.22

(S.R.)

Sl.285

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No.28 of 2021 dated 19/01/2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act;

And

In re: Mithun Majumder @ Bappa & Ors.

... petitioners.

Mr. Soumya Basu Roy Chowdhuri

... for the petitioners.

Mr. Ranadeb Sengupta

...for the State.

Mr. Basu Roy Chowdhuri, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the alleged offence. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioners, who are in custody for about 1 year, may not be necessary and they may be enlarged on bail on any stringent condition.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioners' prayer and submits that contraband substance above commercial quantity was recovered from a vehicle in which the petitioner nos.1 to 3 were travelling. The petitioner no.4 is the owner of the said vehicle and as such, the involvement of the petitioners in the alleged offence cannot be ruled out and the statutory restrictions are attracted.

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

It appears that there had been recovery of contraband substance above commercial quantity from the vehicle in which the petitioner nos.1 to 3 were travelling and the petitioner no.4 is the owner of the said vehicle. The involvement of the petitioners, *prima*

facie, cannot be ruled out. As there had been recovery of contraband substance above commercial quantity, the rigours of Section 37 of the NDPS Act is attracted and as such, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for bail is refused at this stage.

However, the learned court below is directed to take up the question of consideration of charges on the next date and, if charges are framed, the learned court below shall commence the trial immediately thereafter and conclude the same as expeditiously as possible, without granting any unnecessary adjournment to either of the parties.

The application for bail being CRM No.8077 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.)