

CRM No.8138 of 2021

Via video conference

03.01.22

(S.R.)

Sl.34

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chapra** Police Station Case No.42 of 2021 dated 27/10/2021 under Sections 21(c)29 of the NDPS Act;

And

In re: Nripen Biswas

... petitioner.

Mr. Sourav Mukherjee

... for the petitioner.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 340 days and there is no possibility towards conclusion of the trial in the near future. Upon completion of investigation charge sheet has already been submitted and as such, further detention is not warranted. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioner and in view thereof, the rigours of Section 37 of the NDPS Act are attracted and as such, petitioner is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and since contraband substance above commercial quantity was recovered from the possession of the petitioner, we are of the opinion that the rigours of Section 37 of the NDPS Act are attracted and as such, the petitioner's prayer for bail is refused at this stage.

However, the prosecution shall take expeditious steps to obtain chemical report and file the supplementary charge sheet so that the charges can be considered at the earliest.

With the above observations, the application for bail being CRM No.8138 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.)