

10.01.2022
Sl. No.26
sdas/akd

C. R. M. 8208 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Hyder Ali Mondal @ Santu & Anr.***

... .. Petitioners

Mr. Ashok Chowdhury

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Debabrata Chatterjee .. Ld. A.P.P.

Mrs. Manasi Roy

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with New Town Police Station Case No. 162 of 2020 dated 24.09.2020 under section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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 was recovered from the possession of the petitioners. In view thereof, the rigours of section 37 of the NDPS Act are attracted and we are not inclined to exercise discretion in favour of the petitioners. As such their prayer for bail is rejected at this stage.

However, Mr. Chowdhury, learned advocate appearing for the petitioners, submits that the petitioners have already suffered incarceration for about one year and five months and there is no possibility towards early conclusion of the trial.

Answering to a query of this court, Mrs. Roy, learned advocate appearing for the State submits that charges have already been framed and the next date has been fixed on 12.03.2022 for evidence.

In the said conspectus, we direct the learned court below to expedite the trial and if necessary, upon resorting to steps available under section 309 of the Code so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of communication of this order.

With the aforesaid observations and directions, the application for bail being CRM 8208 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)