

10.01.2022
Sl. No.27
sdas/akd

C. R. M. 8213 of 2021

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

And

In Re: ***Khadimul Gazi***

... .. Petitioner

Mr. Ashok Kumar Chowdhury

... .. for the petitioner

Md. Anwar Hossain

Ms. Sreyashee Biswas

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Basirhat Police Station Case No. 74 of 2021 dated 01.02.2021 under section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chowdhury, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. He is languishing in custody for about eleven months and there is no possibility towards conclusion of the trial in the near future. Upon completion of investigation, charge sheet has also been submitted. 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 as such he is not entitled to the relief, as prayed for. Answering to a query of this court, he submits that upon completion of investigation charge sheet as well as supplementary charge sheet along with the FSL report has already been filed.

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

Since contraband substance above commercial quantity was recovered from the possession of the petitioner, the rigours of Section 37 of the NDPS Act are attracted and as such 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 consider the charges and to expedite the trial, if charges are framed, and to complete the same as early as possible preferably within a period of eight months from the date of communication of this order.

With the aforesaid observations, the application for bail being CRM 8213 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.)