

CRM No.8235 of 2021

Via video conference

03.01.22

(S.R.)

Sl.56

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Thanarpara** Police Station Case No.93 of 2019 dated 13/06/2019 under Section 21(c) of the NDPS Act;
And

In re: Tokon Halsana

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 933 days and there is also no possibility towards conclusion of the trial in the near future since till date only 2 witnesses out of a total of 14 witnesses had been examined. There is also no possibility that the petitioner would flee from justice and no purpose would be served by detaining him any further since upon completion of investigation, charge sheet has already been submitted.

Mr. Panda, 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, the petitioner is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the fact that 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.

Mr. Majumder expresses the petitioner's anguish and inconvenience, as regards the delay in the progress of the trial. We take notice of such issue and request the learned court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under Section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, without granting any unnecessary adjournment to either of the parties.

With the above observations, the application for bail being CRM No.8235 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.)