

17.01.2022  
S.D.  
20.

**C.R.M. 8415 of 2021**

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

And

In Re: **Ajit Kumar Singh**

.....Petitioner.

Mr. Prateek Kumar

...for the Petitioners.

Mr. Neguive Ahmed

Ms. Amita Gaur

....for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Durgapur Police Station Case No. 386 of 2018 dated 13.8.2018 under Section 21(c)/29 of the N.D.P.S. Act and under Sections 25(1B)(A)/35 of the Arms Act and under Section 120B of the IPC.

Mr. Kumar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on a purported plea that there was a recovery of a pipegun from his possession. He is languishing in custody for more than three years and there is also no possibility towards early conclusion of the trial. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been recovery of

contraband substance from the possession of the petitioner and others and they are all involved in the racket. Answering a query of this Court, he submits that the trial has already commenced and one witness has also been examined.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

*Prima facie*, from seizure list, it appears that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner and others. In view thereof, the rigours of Section 37 are attracted. Considering the seriousness of the offence and the stage of the trial, we are not inclined to exercise discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

Mr. Kumar, however, expressed his anguish and inconvenience regarding the delay in the progress of the trial. We take notice of such issue and direct the learned court below to expeditiously conduct the trial, 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.

With the above observations and directions, the application is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Ajoy Kumar Mukherjee, J.)**

**(Tapabrata Chakraborty, J.)**

