

31.01.2022

Court No.32

rpan / 09

C.R.M. 8424 of 2021

[through Video Conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case no.103 of 2020 dated 23.01.2020 corresponding to NDPS Case no.26 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : **Samir Sarkar**

- Petitioner.

Mr. Soumitra Deb

... for the petitioner.

Mr. Sanjoy Bardhan,

Mr. Palash Ch. Majhi

... for the State.

Mr. Deb, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since 23rd of January, 2020 and there is no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State submits that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner and as such, the statutory restrictions are clearly attracted.

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 petitioner and in view thereof, the rigours of Section 37 of the NDPS Act is

attracted. As such, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is rejected at this stage.

Answering our query, Mr. Bardhan informs that charges were framed on 15th September, 2021 and the first schedule of examination has been fixed on and from 8th February, 2022.

In view thereof, we direct the learned court below to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of this case may be reached at the earliest.

With the aforesaid observations, the application for bail, being CRM No. 8424 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.)