

CRM No.8478 of 2021

Via video conference

31.01.22

(S.R.)

Sl.16

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Basirhat** Police Station Case No.551 of 2020 dated 09/05/2020 corresponding to Special Case no N 134 of 2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In re: Nawaj Sarif Shikari

... petitioner.

Sk. Toslim Ali

... for the petitioner.

Mr. Sanjay Bardhan

Ms. Baishakhi Chatterjee

...for the State.

Mr. Ali, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 630 days and there is also no possibility towards early conclusion of the trial. The petitioner has been falsely implicated and that there was no independent witness at the time of seizure. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. Answering our query, he informs this Court that charges have already been framed in the month of September, 2021 and schedule for examination has been fixed on 28th February, 2022.

It appears that contraband substance above commercial quantity was seized from the possession of the petitioner and as such, the rigours of Section 37 of the NDPS Act is clearly attracted. It further appears from the materials in the case diary that on the basis of source information two persons were apprehended at a lonely place. Considering the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are not

inclined to exercise discretion in his favour. As such, his prayer for bail is refused at this stage.

Mr. Ali, however 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.

The application for bail being CRM No.8478 of 2021 is, accordingly, 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.)