

CRM 8541 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Nibhash Mondal @ Nibhas Mondal & Anr.
.....Petitioners

Ms. Minoti Gomes
.....for the Petitioners

Mr. Suman De
.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliachak P.S. Case No. 422/2020 dated 03.06.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioners. As such, the rigors of Section 37 of the NDPS Act are attracted and the petitioners' prayer for bail is refused at this stage.

Ms. Gomes, learned advocate appearing for the petitioners, however, submits that though upon completion of investigation, charge sheet has been submitted, the charge has not been framed and there is no possibility towards early conclusion of the trial. She, thus, expresses the petitioners' anguish and inconvenience as regards the delay in progress of trial.

We take notice of such issue and direct the learned Court below to take up the question of consideration of charges on the next date without granting any unnecessary adjournment to

either of the parties. If charges are framed, the learned Court below shall expeditiously conduct the trial and 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 CRM 8541 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.)