

02.03.2022

Court No.32
rpan /200

CRM 8562 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sagarpara Police Station Case no.16 of 2021 dated 22.01.2021 under Sections 188/353/307/379/411/34 of the Indian Penal Code, 1860 and Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 11(d) of the Prevention of Cruelty to Animal Act;

And

In Re : **Sah Ahammed Nurani @ Paltu Mondal**
@ Shahe Ahamed Nurani & 2 Others
- Petitioners.

Mr. Saryati Datta
Mr. Sanjib Kumar Dan,
... for the petitioners.
Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi
... for the State.

Mr. Datta, learned advocate appearing for the petitioners submits that the petitioners are languishing in custody for more than one year and one month. There is also no possibility towards conclusion of the trial in the near future. In view thereof, the petitioners may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioners' prayer and submits that contraband substance above commercial quantity was recovered from the joint possession of the petitioners and other co-accused persons and as such, the statutory restrictions are clearly attracted.

Having heard the learned advocates and considering the materials in the case diary and as rigours of Section 37 of the NDPS Act is attracted, we are not inclined to exercise any discretion in

favour of the petitioners and as such, their prayer for bail is refused at this stage.

Answering our query, Mr. Bardhan submits that the chemical examiner's report has already been obtained and supplementary chargesheet has also been filed. Let the documents, as produced, be kept on record. In view thereof, we direct the learned court below to take up the issue of consideration of charges on the next date fixed without granting any unnecessary adjournment to the parties. If charges are framed, the learned court below shall expedite the trial and conclude the same at the earliest.

With the aforesaid observations, the application for bail, being CRM 8562 of 2021 is, thus, 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.)