

Sl. 5
14.02.2022
Court No.32
SD

CRM 8566 of 2021
(Via Video Conference)

In re: An application under Section 439 of the Code of Criminal Procedure;

And

In the matter of: Sariful Molla @ Gora

... Petitioner.

Mr. Ashok Kumar Chowdhury

...for the Petitioner.

Mr. Saswatagopal Mukherjee

Mr. Saryati Datta

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Haroa P.S. Case No. 223 of 2021 dated 28.05.2021 under Sections 21(C) of the N.D.P.S. Act.

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 as such, the statutory restrictions are clearly attracted in the present case.

In view thereof, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

However, the learned advocate for the petitioner submits that the petitioner is languishing in custody for more than eight months.

Answering our query, Mr. Saswatagopal Mukherjee, learned Public Prosecutor, appearing for the State submits that the F.S.L. report has already been obtained and a supplementary charge sheet has also been filed.

In view of the above, we request the learned court below to consider the issue of consideration of charges on the next date fixed without granting any unnecessary adjournments to either of the parties. If charges are framed, the learned trial court shall expedite the trial and conclude the same as early as possible.

With the aforesaid observations, the application for bail, being CRM No.8566 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.)