

CRM 8835 of 2021
(via video conference)

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

And

In Re : Rambehari Yadav

.....Petitioner

Mr. Mrityunjoy Chatterjee

Md. G. N. Imrohi

Mr. D. Majumder

.....for the Petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Golabari P.S. Case No. 200 of 2021 dated 28.06.2021 under Section 20(b)(ii)(c) of the N.D.P.S. Act.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. There is a dispute as regards quantification of the contraband substance as allegedly recovered. Upon completion of investigation, charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about nine months, is not necessary and he may be enlarged on bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the petitioner's

exclusive possession. In support of such contention he has placed reliance upon the seizure list.

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

The application being CRM 8835 of 2021 is, accordingly, dismissed.

Answering to our query, Mr. Bardhan submits, upon instruction, that today is the date fixed before the learned Court below for framing of charges and that there are ten charge sheeted witnesses.

In view thereof and in the event charges are framed, the learned trial Court 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 preferably within a period of eight months from the date of communication of this Court.

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.)