

11.02.2022
Court No.32
Item No. 07
Avijit Mitra

C.R.M. No. 8886 of 2021

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

And

In Re : Nasel Sk. @ Nashel Khan

Petitioner

Mr. Navonil De,
Ms. Ayantika Roy

For the Petitioner

Mr. Ranadeb Sengupta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kaliachak Police Station Case No.395 of 2020 dated May 21, 2020 under sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. De, learned advocate appearing for the petitioner submits that there was no recovery of contraband substance above commercial quantity from the possession of the petitioner. He has been falsely implicated and has already suffered incarceration for about 173 days. There is also no possibility towards conclusion of the trial in the near future. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner has criminal antecedents and was involved in an earlier case being Raghunathganj Police Station case no.354 of 2021 and he was shown arrested in the present case. There had been recovery of contraband substance

above commercial quantity and further raw materials from the godown of which the petitioner is the owner and as such the statutory restrictions are clearly attracted.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there had been recovery of contraband substance above commercial quantity and other raw materials from the godown belonging to the petitioner and in view thereof, his conscious possession of contraband substance cannot be totally ruled out. The statutory restrictions are, accordingly, attracted. 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.

However, the learned Court below shall take up the question of consideration of charges on the next date fixed without granting any unnecessary adjournments to either of the parties and commence trial immediately thereafter, if charges are framed and conclude the same as expeditiously as possible.

The application for bail, being CRM No.8886 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)