

11.02.2022
Item No.31
Court No.32
ss

C.R.M. 8999 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Gopal Mondal & anr.

... Petitioners.

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Shisho Dasgupta

... for the Petitioner.

Mr. S. S. Imam
Mr. R. Jana

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Baduria P.S. Case No. 522 of 2019 dated 09.11.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Lahiri, the learned Advocate appearing for the petitioners submits that the application for bail preferred by one co-accused person, namely, Sahin Mondal, was rejected by a co-ordinate Bench of this Court on 27th September, 2021 with a request to the learned Special Judge to fix the date for framing the charges within a period of 15 days from the date of communication of the order.

Mr. Lahiri informs us that pursuant to such direction, though charges were framed on 8th October, 2021, date has been fixed about four months thereafter on 18th February, 2022. The petitioners are languishing in custody for more than 2 years 3

months and there is no possibility towards conclusion of the trial in near future. In the said conspectus, the petitioners may be enlarged on bail on any stringent condition.

Learned Advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. He submits that trial has already commenced.

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

Prima facie, it appears that contraband substance above commercial quantity was recovered from the possession of the petitioners and as such the rigors of Section 37 of the N.D.P.S. Act is attracted. In view thereof, the petitioners' prayer for bail, is refused at this stage.

However, the learned Court below is directed to 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 order since we have been informed that in total there are eight witnesses.

With the above observations, the application being CRM 8999 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.)