

08.03.2022
Court No.01
Item No.21
Saswata
(rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM (DB) 32 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 335 of 2020 dated 29.05.2020 under Sections 20(ii)(c)/25/29 of the N.D.P.S. Act.

And

In Re: **Sahidul Haque.**

Petitioner

Mr. Amal Kumar Saha
Mr. Irish Paul

For the Petitioner

Mr. Abhijit Sarkar
Mr. Biswarup Roy

For the State

This is a second application for bail before this Court at the behest of the petitioner seeking bail in connection with Kotwali Police Station Case No. 335 of 2020 under Sections 20(ii)(c)/25/29 of the N.D.P.S. Act.

The earlier application being CRM 804 of 2021 was rejected on 05/08/2021. Mr. Saha, learned advocate appearing for the petitioner submits that although the petitioner is shown to have possessed the contraband of commercial quantity, but while dismissing the earlier application for bail, this Court directed the trial Court to expedite the trial of the case.

It is submitted that except filing of the charge sheet, no progress have been shown therein and, therefore, the petitioner should be released on bail.

Learned advocate for the State opposes the prayer for bail. According to him, though the dates were fixed but because of the resolution taken at the bar that no adverse order should be passed in absence of either of the parties

and in fact, the learned advocate for the petitioner did not appear on such dates, the trial Court adjourned the matter.

Be that as it may, we do not delve to go deep into the matter. It is a matter of serious concern that the progress of the trial is hampered for such decision. Mr. Saha assured this Court that his counterpart in the trial Court would cooperate and assist the Court in proceeding with the case.

Since, commercial quantity of contraband was allegedly recovered from the possession of the petitioner, we do not find any ground to take exception to Section 37 of the NDPS Act.

In view of the above, the prayer for bail is *rejected*.

However, we request the learned Judge in the Special Court under the NDPS Act to fix a date for framing of charges which shall not exceed 15 days from the date of communication of this order. Efforts shall be shown to dispose of the case as expeditiously as possible without granting unnecessary adjournments to either of the parties.

The application for bail being CRM (NDPS) 32 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)