

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

11.05.2022

Court No.01
rpan /18

C.R.M. (NDPS) 103 of 2022

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

And

In Re.: Dipak Mandal

- Petitioner

Mr. Avik Ghatak,
Mr. Saibal Krishna Dasgupta
... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with New Jalpaiguri Police Station Case No. 532 of 2021 dated 31.05.2021 under Sections 22(c)/21(c) of the Narcotic Drugs and Psychotropic Substances Act.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for about 343 days and charges have also not been framed till date and as such, there is no possibility towards conclusion of the proceedings in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioner's prayer and submits that there has been recovery of contraband substance above commercial quantity from the possession of the petitioner and as such, the statutory

restrictions are clearly attracted. In support of such contention he has drawn our attention to the seizure list and other materials in the case diary.

Heard the learned advocates 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 restrictions under Section 37 of the NDPS Act are clearly attracted. In view thereof, we are not inclined to exercise discretion in favour of the petitioner and his prayer for bail is refused at this stage.

We have been informed that charges have not yet been framed and that the next date has been fixed on 2nd June, 2022 for supply of copies.

In view thereof, the learned court below is directed to supply the copies on the date as fixed and frame the charges within a month thereafter.

In the event charges are framed, the learned court below shall expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code, so that the logical conclusion of the case may be reached at the earliest, preferably within a year from the date of framing of the charges without granting any unnecessary adjournment to either of the parties.

The application for bail, being CRM (NDPS) 103 of 2022 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)