

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

06.05.2022

Item no.49
Court No.01
Avijit Mitra

CRM (NDPS) 141 of 2022

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

And

In Re : Nirod Das @ Nirodh Das

.... petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,
Mr. Sayantan Bhowmik

....for the petitioner

Mr. Nilay Chakraborty,
Mr. Ujjwal Luksom,
Mr. Sourav Ganguly

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Sitalkuchi Police Station Case No.113 of 2021 dated 17.05.2021 under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Saha Poddar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There is no independent witness in the seizure list. Upon completion of investigation chargesheet has already been submitted and as such further detention of the petitioner, who has already suffered long incarceration for about one year may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list, the arrest memo and other materials in the case diary.

He submits that contraband substance above commercial quantity was recovered from the petitioner's house and as such statutory restrictions are clearly attracted. In support of such contention he has produced the record of rights pertaining to the concerned land, which stands in the name of the petitioner.

Answering our query he submits that the chargesheet and the FSL report have been submitted and there are 12 witnesses.

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

It appears that there had been a recovery of contraband substance above commercial quantity from the house of the petitioner and as such the restrictions under Section 37 of the N.D.P.S. Act 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, accordingly, refused at this stage.

Mr. Saha Poddar, learned advocate for the petitioner has, however, expressed his anguish and inconvenience, as regards the delay in progress of the trial. We take notice of such issue and direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of

the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest.

The application for bail CRM (NDPS) 141 of 2022 is 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.)