

10.05.2022

Item no.33
Court No.01
Avijit Mitra

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

CRM (NDPS) 145 of 2022

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

And

In Re : Sushanta Barman

.... petitioner

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

....for the petitioner

Mr. Nilay Chakraborty,
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.220 of 2021 dated 13.07.2021 under Sections 20(b)(ii)(C)/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

It appears that the contraband substance above commercial quantity was recovered from the possession 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 his favour and as such, his prayer for bail is refused, at this stage.

It appears that the petitioner had already suffered incarceration for about 301 days and that charges have already been framed and there are 8 witnesses.

In view thereof, we direct the learned Special Court to expeditiously conduct the trial 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, preferably within eight months without granting any unnecessary adjournment to either of the parties.

The application for bail CRM (NDPS) 145 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.)