

D/L. 10.
November 1, 2023
rp/gc

CRM (NDPS) 1781 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2023 in connection with Bhatpara Police Station Case No. 627 of 2023 dated 17.08.2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sk Raj Rahaman

.... Petitioner

Mr. Debasis Kar

... for the Petitioner.

Mr. Anwar Hossain,
Mr. Palash Ch. Majhi

... for the State.

1. Learned Counsel for the petitioner contends that the petitioner is only nineteen years of age. It is submitted that on as many as five dates, the trial was adjourned.
2. As such, it is contended that bail be granted to the petitioner.
3. Learned Counsel for the State opposes the prayer for bail and relies on the presumption under Section 37 of the N.D.P.S. Act.
4. It is argued that the trial has already commenced and the next date is on December 2, 2023. As such, it is submitted that no alleviating circumstance has been made out for bail.
5. We are convinced upon hearing the parties that in view of the rigours of Section 37 of the N.D.P.S. Act, bail cannot be granted to the petitioner at this stage. However, for the ends of justice, the trial ought to be concluded early.

6. Accordingly, CRM (NDPS) 1781 of 2023 is dismissed with a direction on the trial court to conclude the trial as expeditiously as possible, preferably within one year from date. It is expected that the prosecution will cooperate in such early disposal of the matter.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)