

51.  
Court  
No.28

12.06.2024  
  
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 839 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Berhampore Police Station Case No. 735 of 2022**, dated **03.06.2022**.

And

In the matter of: - **Abdul Halim @ Bhuttu**

Ms. Sabana Hasin, Adv.,  
Ms. Samima Akter Banu, Adv.

...petitioner.  
  
...for the petitioner.

Mrs. Shaila Afrin, Adv.,  
Mr. Akash Ganguly, Adv.

...for the State.

Allegedly commercial quantity of contraband items was recovered from the petitioner. The petitioner was arrested and is in custody since June 3, 2022. His application for bail being CRM (NDPS) 440 of 2023 was dismissed by a Co-ordinate Bench by an order dated March 21, 2023. His second application for bail being CRM (NDPS) 263 of 2024, was dismissed as not pressed by an order dated February 8, 2024.

It appears that earlier the petitioner had filed a revisional application being CRR 2893 of 2023, praying for expeditious disposal of the trial. A learned Judge of this Court, by an order dated August 18, 2023, disposed of such application with directions for expeditious disposal within a reasonable period of time and other consequential directions.

The petitioner says that in spite of such direction, the trial still remains pending.

Learned Advocate for the State says that substantial progress has been made in the trial after the order of the Revisional Court was passed. Nine out of seventeen witnesses have been examined. There is sufficient incriminating material against the petitioner. The prayer for bail should not be allowed.

On an overall consideration of the facts and circumstances of the case and the material on record and keeping in mind the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail.

The application being CRM (NDPS) 839 of 2024 is accordingly dismissed.

However, since the petitioner has been in incarceration for more than two years, the learned Trial Court is requested to conclude the trial at the earliest and definitely within a period of six months from the date of communication of this order, excluding the official vacations of the Court.

This order is to be communicated to the learned Trial Court by both the parties.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**