

C.R.M. 81 of 2019

Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973.

In the matter of : **Ratan Barman**

..... petitioner

Mr. Anirban Banerjee

.....for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Saikat Chatterjee

..... for the State

The petitioner seeks bail in connection with New Jalpaiguri Police Station F.I.R. No. 769 of 2017 dated 21st September, 2017 under Sections 20(b)(ii)(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter the NDPS Act).

We have heard learned advocates for the parties and perused the materials in the case diary.

Although it appears that the petitioner is in custody for 550 days and police report (charge-sheet) under Section 173 (2) of the Code of Criminal Procedure has been filed in 2018, the petitioner has failed to rebut the statutory restriction under Section 37 of the NDPS Act.

In that view of the matter, we are not inclined to grant direction as prayed for.

Accordingly, C.R.M. 81 of 2019 is rejected.

However, the trial court may expedite the trial bearing in mind the parameters laid down in the decision in Thana Singh Vs. Central Bureau of Narcotics reported in (2013) 2 SCC 590.

(Shivakant Prasad, J.)

(Dipankar Datta, J.)