

18.09.2020

Court No. 19
Item No. 3
abhar/bdatta

**CRM 6347 of 2020
With
CRAN 1 of 2020**

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with NJP Police Station Case No. 415 dated 31.05.2019 under Sections 8(c)/21(c) of the N.D.P.S. Act.

and

In the matter of: Huba Hai

... Petitioner

Mr. Biplab Mitra,
Ms. Trina Mitra.

.....for the Petitioner

Mr. Aditi Shankar Chakraborti,
Mr. Biswarup Roy.

..... For the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioner submits that the petitioner is in custody since 31st May, 2019. The learned advocate further submits that the tablets so recovered are not coming within the schedule so provided under the N.D.P.S. Act.

The learned advocate appearing for the State opposes the prayer for bail and submits that the amount so recovered from the possession of the accused person are of commercial quantity and they do fall within the schedule as prescribed under the N.D.P.S. Act.

Having considered the rival submissions and the materials on record that the issues raised by the learned advocates for the parties are purely a question of fact which can only be decided at the stage of trial, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail is rejected.

However, we request the learned Judge of the Special Court to make utmost efforts to expedite the trial of the case after resumption of

normalcy in the Courts' functioning.

The application for bail being C.R.M. 6346 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)