

08.10.2020  
DL No.05  
Court No.10  
(am)

**CRM 7436 of 2020**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Basirhat** P.S. Case No.**1412 of 2019** dated **10.12.2019** under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Sanjoy Das**

....Petitioner.

Mr. Tapan Kumar Dutta Gupta

Mr. Pervez Anam

...for the Petitioner

Mr. Binay Panda

Mr. Puspita Saha

...for the State

In this application the petitioner has renewed his prayer for bail after it was rejected on 6<sup>th</sup> March, 2020.

Learned counsel appearing on behalf of the petitioner submits that no substantial progress has been made since the earlier order of rejection and in view of the fact that the chargesheet has already been filed there is no need for further detention of the petitioner in custody.

The learned counsel has also reiterated his submission as he had done on earlier occasion that there are overwritings in the formal F.I.R. seizure of narcotic substance and the said document is doubtful before the earlier Division Bench.

The learned counsel appearing on behalf of the state submits that the CFSL authorities have been approached on 15<sup>th</sup> December, 2019 but till date such report has not yet been received by the state.

On 6<sup>th</sup> March, 2020 the said prayer was rejected *inter alia* on the following ground :

“We have considered the materials on record. We note that the seizure had occurred in the early hours of 10.12.2019. In view of the time of seizure, absence of independent persons at the place of occurrence cannot be ruled out. However, in view of the statement of the seizing officer and the materials on record *prima facie* disclosing involvement of the petitioner in the alleged possession of narcotic substance above commercial quantity and as the overwritings in the formal F.I.R. appear to be inadvertent. Hence, we are not inclined to grant bail to the petitioner.”

There has been no substantial change of circumstances since the earlier order of rejection.

However, we direct the CFSL authority to make available of the said report within one week and if it had not been already supplied and file a compliance report with the office of the Learned Registrar General, High Court, Calcutta.

We direct the learned Additional Sessions Judge, 6<sup>th</sup> Court (Special NDPS Act) at Barasat, North 24 Parganas to consider the issue of framing of charges at the earliest and in the event such charge is framed to conclude the trial preferably within a period of six months from the date of framing of charges without granting any unnecessary adjournment to either of the parties. The state shall communicate this order immediately to the Director, CFSL for compliance.

However, in the event it is found from the communication of Directorate, CFSL that in spite of communication the

investigating officer did not collect the report, the same shall be a ground in future for releasing the petitioner on bail.

The application is accordingly disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**