

09.10.2020
Item no. 7
Ct.11
FB/G. S. Das

C.R.M. No.7464 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 Suti Police Station Case No. 55 of 2017 dated 24.1.2017 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 36/17).

And

In the matter of:-

Asif Hossain @ Biki

... Petitioner

Mr. Amitava Karmakar

Mr. Ziaul Haque

.. for the petitioner

Mr. Rana Mukherjee

Mr. Santanu Chatterjee

..for the State

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

This is a petition under Section 439 of the Cr.P.C. in connection with Suti Police Station Case No. 55 of 2017 dated 24.1.2017 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 36/17) pending before the Learned Special Court Jangipur, Murshidabad.

The petitioner is in custody for last three years. Trial is undergoing and as many as five witnesses have been examined. The petitioner was found to have in possession of commercial quantity of narcotic drugs.

The prayer for bail has been sought for on the plea of juvenility as he was 17-years-8 months as on date of the commission of alleged offence.

Whereas we find from the materials on record and from the memo of evidence that the accused was 19 years age. Although the accused petitioner is under going trial for last three years but he has never applied before trial court for ossification test raising plea of juvenility. Further, considering commercial quantity of contraband, seized from his possession we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

CRM 7464 of 2020 with CRAN 1 of 2020 are disposed of.

The learned Trial Court is requested to conclude the trial as early as possible as per the guidelines laid down by the Hon'ble Supreme Court.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Shivakant Prasad, J.)

(Subrata Talukdar, J.)