

18.11.2020
24 DL
Sws M/G.S.Das
Ct. No.11

CRM 7969 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with N/236/2019 arisen out of Basirhat Police Station Case No. 1364 of 2019 dated 01/12/2019 under Section 21(c) of the NDPS Act..

And

In the matter of : **Bhola Das @ Meghnath Das**

..... Petitioner

Mr. Subhadeep Ghosh

.... for the Petitioner

Mr. Binay Kr. Panda
Mr. Partha Pratim Das

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioner submits that the petitioner is in custody since December 1, 2019 and no independent witness were relied upon by the investigating agency while conducting search and seizure.

Learned Advocate for the State opposes the prayer for bail and submits that commercial quantity of contraband namely Codeine Mixture were recovered at the instance of the present petitioner and the recovery was effected at night.

We have perused the materials on record including the seizure list and the recovery which has been effected and having regard to the fact that commercial quantity of contraband were recovered, the provisions of Section 37 of the NDPS Act are attracted and as such he is not entitled to be released on bail. The prayer for bail is **rejected**.

We have been informed by the Learned Advocate for the State that the investigation is complete and the charge-sheet has been submitted. Under such circumstances, we direct the Learned Trial Court to take steps for expeditious progress of the next stage of the case i.e. consideration of charge and examination of witnesses. The Learned Trial Court would take into consideration that for more than 11 months the petitioner is detained in custody while taking evidence for proceeding with the case.

With these observations, CRM 7969 of 2020 is disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

