

ADDL 8.
December 1, 2020.
SG

CRM 8491 of 2020

In Re. An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.46 of 2020 arising out of Kumarganj Police Station Case No.107 of 2020 dated 20.07.2020 under Sections 21(c)/22(c)/23(c) & 27(a) of Narcotic Drugs and Psychotropic Substance Act, 1985.

In the matter of: Sukumar Sarkar

...petitioner.

Mr S. Saha

... for the petitioner.

Mr Swapan Banerjee
Ms Purnima Ghosh

... 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.

The petitioner claims that the petitioner's case could not be placed on October 5, 2020 when the previous prayer for bail was rejected by this Court.

It is evident from the order dated October 5, 2020 that a prayer for adjournment was made on the petitioner's behalf. The order proceeded to record that the trial had commenced. Since the trial had commenced, this court thought that it was not appropriate to grant bail to the petitioner. Further, it is evident that this court considered the material against the petitioner and found the prayer for bail to be unworthy at the relevant stage.

In view of such recent rejection of the petitioner's prayer by this court and there being no change in the circumstances since then, the present prayer cannot be acceded to. Arguments on merits sought to be made on behalf of the petitioner cannot be gone into by a co-ordinate Bench in view of what is recorded in the order dated October 5, 2020.

CRM 8491 of 2020 is rejected.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)