

12.11.2020
Item no. 11
Ct.8
KAUSHIK/CHC
Rejected

C.R.M. No.9064 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No.155 of 2017 dated 19.10.2017 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of:-

Sanjoy Biswas

... Petitioner

Mr. Sayan De,
Mr. K. Shome

...for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Paramanick

...for the State

This is an application under Section 439 of the Code of Criminal Procedure whereunder the petitioner is seeking release on the ground that he is in incarceration in jail for last three years and two months whereas the trial has not been expedited.

We find that the petitioner is in incarceration for the offence under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act and in view of the bar made under Section 37 of the N.D.P.S. Act, when the evidence is not available, this Court is unable to hold *prima facie* that petitioner/accused is innocent and falsely implicated.

Accordingly, we decline to enlarge the petitioner on bail and thus, prayer for bail is refused and rejected.

However, Special Judge, under N.D.P.S. Act concerned is directed to see that trial is expedited as early as possible in terms of the direction of this Hon'ble Court embodied in C.R.M. No.236 of 2020 dated 09.01.2020.

C.R.M.9064 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Shivakant Prasad, J.)