

27.11.2020

Ct. No. 16

Item no.3

CRM 9345 of 2020

(Via Video Conference)

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In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Minakhan Police Station Case no. 136 of 2019 dated 27.06.2019 under Section 21(C) of the N.D.P.S. Act.

And

In the matter of : **Raju Baidya**

...Petitioner

Mr. Abhijit Sarkar.

...For the Petitioner

**Mr. Binoy Kumar Panda,
Ms. Puspita Saha.**

...For the State.

The Advocate on record of the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned Advocate of the petitioner submits that the petitioner is in custody since 19th June, 2019 in connection with the abovementioned case. He further submits that there is no independent witness at the time of seizure of the contraband and the entire case is fall thereupon. It is further submitted that though the charge-sheet was filed before the Special Court, but without any chemical examination report.

The learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the supplementary charge-sheet was filed on 9th January, 2020 after obtaining the chemical examination report, but the charges have not been framed as yet because of the Covid situation. It is, however, submitted that the commercial quantity of contraband was recovered from the possession of the petitioner and, therefore, he is not entitled to any privilege of bail.

After considering the respective submissions and perusing the materials available on record including the alleged fact that

the contraband was recovered from the possession of the petitioner, we do not think that the petitioner has been able to make out any case taking exception of Section 37 of the N.D.P.S. Act. Furthermore, supplementary charge-sheet after obtaining the chemical examination report had also been filed before the Special Court, who is in seisin of the matter.

However, we appreciate the delay occurred in progress of the said case because of the Covid situation. Since the country is attempting to restore normalcy in functioning, we expect that the Special Court would take utmost endeavour to show progress in the case and speedy disposal thereof.

The application for bail, being **CRM 9345 of 2020**, is thus **disposed of**.

(Harish Tandon, J)

(Hiranmay Bhattacharyya, J)