

27.11.2020
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IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 9439 of 2020

Saifuddin Molla

-vs-

The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Rajarhat P.S. Case No. 200 of 2017 dated 06.08.2018 under sections 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act.

Mr. Angshuman Chakraborty
...for the petitioner.

Ms. Sayanti Santra
... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the present case, he is an innocent person. Therefore, the petitioner may be enlarged on bail.

The learned Advocate appearing for the State opposes the prayer for bail and produces the case diary. She submits that 7 kgs. of Ganja was recovered from the possession of the petitioner and the co-accused. Therefore, the petitioner should not be released on bail. It is further contended that earlier the bail applications of the petitioner were twice rejected by co-ordinate Bench of this court.

Considering the submission as advanced by the learned Advocate appearing for the parties and after perusing the case diary and other materials-on-record, we are of the opinion that as commercial quantity of contraband is involved and Section 37 of the NDPS Act creates a bar, there is no scope for releasing the petitioner on bail at this stage.

As such, the prayer for bail of the petitioner is rejected.

However, the learned trial court is requested to expedite the trial and complete the same as expeditiously as possible without

granting any unnecessary adjournment to either of the parties.

CRM No.9439 of 2020 is disposed of.

[Kausik Chanda J]

[Samapti Chatterjee, J]